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GOVERNMENT OF KERALA

കേരള ഗസറ്റ്
KERALA GAZETTE

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2026

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GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. PBN-2/38/2026-LAW. *Dated, Thiruvananthapuram, 16th June 2026.*

The following Act of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated the 2nd day of February, 2023 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 31st day of January, 2023.

By order of the Governor,

K. G. SANAL KUMAR,
Law Secretary.

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THE MARITIME ANTI-PIRACY ACT, 2022

No. 3 of 2023

[31*st January*, 2023.]

An Act to give effect to the United Nations Convention on the Law of the Sea relating to repression of piracy on high seas and for matters connected therewith or incidental thereto.

Whereas India is a party to the United Nations Convention on the Law of the Sea adopted by the United Nations on the 10th December, 1982 and has ratified the same on the 29th June, 1995;

And whereas the aforesaid Convention, among other things, states that all States shall co-operate to the fullest possible extent in the repression of piracy on high seas;

And whereas India, having ratified the said Convention, considers it necessary to give effect to the aforesaid Convention relating to piracy.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, commencement and application.

1. (*1*) This Act may be called the Maritime Anti-Piracy Act, 2022.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(*3*) The provisions of this Act shall apply to the high seas.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "authorised personnel" means the officers and sailors assigned to warships or military aircraft of the Indian Navy or officers and enrolled persons of the Coast Guard assigned to ships or aircraft of the Indian Coast Guard or officers of the Central Government or the State Government authorised for any ship or aircraft clearly marked and identifiable as being on Government service;

(*b*) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.

(*c*) "Convention" means the United Nations Convention on the Law of the Sea, 1982;

(*d*) "Designated Court" means a Court of Session specified as such under section 8;

(*e*) "high seas" includes the Exclusive Economic Zone and all waters beyond the jurisdiction of any other State.

Explanation.—For the purposes of this clause, "Exclusive Economic Zone" means the Exclusive Economic Zone of any other State including the Exclusive Economic Zone of India;

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(*f*) "notification" means a notification published in the Official Gazette;

(*g*) "other State" means any country other than India;

(*h*) "piracy" means—

(*i*) any illegal act of violence or detention or any act of depredation committed for private ends by any person or by the crew or any passenger of a private ship and directed on the high seas against another ship or any person or property on board such ship;

(*ii*) any act of voluntary participation in the operation of a ship with knowledge of facts, making it a pirate ship;

(*iii*) any act of inciting or of intentionally facilitating an act described in sub-clause (*i*) or sub-clause (*ii*); or

(*iv*) any act which is deemed piratical under the international law including customary international law;

(*i*) "pirate ship" means a ship which—

(*i*) is intended by the person in dominant control to be used for the purposes of committing any of the acts referred to in sub-clauses (*i*) to (*iv*) of clause (*h*); or

(*ii*) has been used to commit any such act, referred to in sub-clause (*i*) of this clause, so long as it remains under the control of the person guilty of that act;

(*j*) "ship" means—

(*i*) vessel or water craft of every description, including non-displacement craft;

(*ii*) sea planes and other aircraft,

used or capable of being used as means of transportation on water or engaged in any operations at sea.

Explanation.—For the purposes of this clause, "aircraft" shall have the same meaning as assigned to it in clause (*1*) of section 2 of the Aircraft Act, 1934; 22 of 1934.

(*k*) "stateless person" means a person who is not considered as a national by any country by virtue of its laws.

(*2*) The words and expressions used in this Act and not defined but defined in the Convention, the Indian Penal Code, the Code or the Territorial Waters, Continental Shelf, 45 of 1860.

80 of 1976. Exclusive Economic Zone and Other Maritime Zones Act, 1976, shall have the meanings respectively assigned to them in such Convention, the Codes or the Act.

Punishment for piracy.

3. Whoever commits any act of piracy, shall be punished—

(*i*) with imprisonment which may extend to imprisonment for life or with fine or with both; or

(*ii*) with death or with imprisonment for life, if such person in committing the act of piracy causes death or an attempt thereof,

and in addition shall also be subject to restitution or forfeiture of property involved in the commission of such offence.

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4. Whoever attempts to commit the offence of piracy or aids or abets or conspires or procures for the commission of such offence shall be punished with imprisonment for a term which may extend to ten years or with fine or with both. Punishment for attempt to commit piracy, etc.

5. Whoever participates or organises or directs other person to participate in an act of piracy shall be punished with imprisonment for a term which may extend to fourteen years or with fine or with both. Punishment for organising or directing others to participate in an act of piracy.

6. Notwithstanding anything contained in the Code, the Central Government may, for the purposes of this Act, by notification, confer the powers of arrest, investigation and prosecution of any person exercisable by a police officer under the Code on any of its officer or such officer of a State Government. Conferment of power of arrest, investigation, etc.

7. (*1*) The authorised personnel may, either generally or on suspicion that a ship is engaged in piracy on the high seas, board such ship and arrest the persons or seize the pirate ship and property on board. Arrest of persons and seizure of ship and property.

(*2*) The ship or property seized under sub-section (*1*) shall be disposed of only by the order of the court.

8. For the purposes of providing speedy trial of offences under this Act, the Central Government shall, after consulting the Chief Justice of the concerned High Court, by notification, specify— Designated Court.

(*i*) one or more Courts of Sessions in a State, to be the Designated Court for the purposes of this Act; and

(*ii*) the territorial jurisdiction of each such court:

Provided that such territorial jurisdiction shall be determined on the basis of the port or place of disembarkation within India of the person suspected or accused of an offence under this Act.

9. The Designated Court shall have jurisdiction to try an offence punishable under this Act where such offence is committed— Jurisdiction of Designated Court.

(*i*) by a person who is apprehended by, or is in the custody of, the authorised personnel or the police, regardless of the nationality or citizenship of such person;

(*ii*) by a person who is a citizen of India or a resident foreign national in India or any stateless person:

Provided that nothing in this section shall apply to a warship or its auxiliary ship or a Government owned ship employed for non-commercial service and is under

the control of Government authorities at the time of commission of the offence of piracy.

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Trial of offences by Designated Court.

10. (*1*) Notwithstanding anything contained in the Code,—

(*a*) all offences under this Act shall be tried by the Designated Court notified as such under clause (*i*) of section 8;

(*b*) where a person accused of, or suspected of, the commission of an offence under this Act is forwarded to a Magistrate under sub-section (*2*) or sub-section (*2A*) of section 167 of the Code, such Magistrate may authorise the detention of such person in such custody, as he thinks fit, for a period not exceeding fifteen days in the whole, where such Magistrate is a Judicial Magistrate, and seven days in the whole where such Magistrate is an Executive Magistrate:

Provided that where such Magistrate considers—

(*i*) at the time when such person is forwarded to him under this sub-section; or

(*ii*) at any time before the expiry of the period of detention authorised by him,

that the detention of such person is not necessary, he shall order such person to be forwarded to the Designated Court having jurisdiction.

(*2*) The Designated Court may exercise, in relation to the person forwarded to him under clause (*b*) of sub-section (*1*), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code, in relation to an accused person in such case who has been forwarded to him under that section.

(*3*) A Designated Court may, upon a perusal of a complaint made by an officer of the Central Government or the State Government, as the case may be, authorised in this behalf, take cognizance of that offence without the accused being committed to it for trial.

(*4*) While trying an offence under this Act, a Designated Court may also try an offence under any other law, other than an offence under this Act, with which the accused may be charged at the same trial under the Code.

(*5*) Notwithstanding anything contained in the Code, a Designated Court shall, as far as practicable, hold the trial on a day-to-day basis.

Presumption.

11. Where a person is accused of having committed an offence punishable under this Act and, if,—

(*a*) the arms, ammunitions, explosives and other equipments are recovered from the possession of the accused, and there are reasonable grounds to believe that such arms, ammunitions, explosives or other equipments of similar nature were used or intended to be used in the commission of the offence;

(*b*) there is evidence of use of force, threat of force or any other form of intimidation caused to the crew or passengers of the ship in connection with the commission of the offence; or

(*c*) there is evidence of an intended threat of using bombs, arms, firearms, explosives or committing any form of violence against the crew, passengers or cargo of a ship,

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then, the Designated Court shall presume, unless the contrary is proved, that the accused person had committed such offence.

Provisions as to bail.

12. (*1*) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless—

(*a*) the Public Prosecutor has been given a reasonable opportunity to oppose the application for such release; and

(*b*) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(*2*) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding grant of bail under section 439 of the Code.

Application of Code in proceedings before Designated Court.

13. Save as otherwise provided in this Act, the provisions of the Code shall apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor appointed under the said Code.

Provision as to extradition.

14. (*1*) The offences under this Act shall be deemed to have been included as extraditable offences and provided for in all extradition treaties made by India with any other State and which extend to and are binding on India on the date of commencement of this Act.

(*2*) In the absence of a bilateral extradition treaty, the offences under this Act shall be extraditable offences between India and other State on the basis of reciprocity.

34 of 1962.

(*3*) For the purposes of application of the provisions of the Extradition Act, 1962 to the offences under this Act, any ship registered in other State shall, at any time while that ship is operating, be deemed to be within the jurisdiction of that other State whether or not it is for the time being also within the jurisdiction of any other State.

Protection of action taken in good faith.

15. (*1*) No suit, prosecution or other legal proceedings shall lie against an authorised personnel for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(*2*) No suit or other legal proceeding shall lie against the Central Government or any State Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. PBN-2/38/2026-LAW. *Dated, Thiruvananthapuram, 16th June 2026.*

The following Acts of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated the 29th day of March, 2023 is hereby republished for general information. The Bills as passed by the Houses of Parliament received the assent of the President of India on the 29th day of March, 2023.

By order of the Governor,

K. G. SANAL KUMAR,
Law Secretary.

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THE APPROPRIATION ACT, 2023

No. 4 of 2023

[29*th March*, 2023.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2023-24.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation Act, 2023.

Issue of Rs. 14427148,16,00,000 out of the Consolidated Fund of India for the financial year 2023-24.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred forty-four lakh twenty-seven thousand one hundred forty-eight crore and sixteen lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2023-24 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Construction of references to Ministries or Departments in the Schedule.

4. Reference to the Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 6th September, 2021 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as constituted from time to time.

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THE SCHEDULE

(*See* sections 2, 3 and 4)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Department of Agriculture and Farmers Welfare	Revenue	115489,37,00,000	..	115489,37,00,000
		Capital	42,42,00,000	..	42,42,00,000
2	Department of Agricultural Research and Education	Revenue	9493,59,00,000	..	9493,59,00,000
		Capital	10,41,00,000	..	10,41,00,000
3	Atomic Energy	Revenue	17478,46,00,000	*1,00,00,000*	17479,46,00,000
		Capital	17783,03,00,000	..	17783,03,00,000
4	Ministry of Ayush	Revenue	3641,56,00,000	..	3641,56,00,000
		Capital	5,94,00,000	..	5,94,00,000
5	Department of Chemicals and Petrochemicals	Revenue	172,55,00,000	..	172,55,00,000
		Capital	90,00,000	..	90,00,000
6	Department of Fertilisers	Revenue	179125,79,00,000	..	179125,79,00,000
		Capital	2,69,00,000	..	2,69,00,000
7	Department of Pharmaceuticals	Revenue	3158,87,00,000	..	3158,87,00,000
		Capital	1,19,00,000	..	1,19,00,000
8	Ministry of Civil Aviation	Revenue	3026,70,00,000	..	3026,70,00,000
		Capital	86,66,00,000	..	86,66,00,000
9	Ministry of Coal	Revenue	640,77,00,000	..	640,77,00,000
		Capital	1,55,00,000	..	1,55,00,000
10	Department of Commerce	Revenue	5215,93,00,000	*50,00,000*	5216,43,00,000
		Capital	38,15,00,000	..	38,15,00,000
11	Department for Promotion of Industry and Internal Trade	Revenue	6548,93,00,000	..	6548,93,00,000
		Capital	1651,70,00,000	..	1651,70,00,000
12	Department of Posts	Revenue	39155,26,00,000	*1,17,00,000*	39156,43,00,000
		Capital	1396,95,00,000	..	1396,95,00,000
13	Department of Telecommunications	Revenue	41461,43,00,000	..	41461,43,00,000
		Capital	66691,82,00,000	..	66691,82,00,000
14	Department of Consumer Affairs	Revenue	259,59,00,000	..	259,59,00,000
		Capital	28,07,00,000	..	28,07,00,000
15	Department of Food and Public Distribution	Revenue	205363,57,00,000	..	205363,57,00,000
		Capital	25150,37,00,000	..	25150,37,00,000
16	Ministry of Cooperation	Revenue	1149,38,00,000	..	1149,38,00,000
		Capital	1,00,00,000	..	1,00,00,000
17	Ministry of Corporate Affairs	Revenue	734,19,00,000	..	734,19,00,000
		Capital	42,00,00,000	..	42,00,00,000
18	Ministry of Culture	Revenue	3114,25,00,000	..	3114,25,00,000
		Capital	285,40,00,000	..	285,40,00,000
19	Ministry of Defence (Civil)	Revenue	37068,72,00,000	*99,00,000*	37069,71,00,000
		Capital	8829,79,00,000	*20,00,00,000*	8849,79,00,000
20	Defence Services (Revenue)	Revenue	276931,99,00,000	*101,62,00,000*	277033,61,00,000
21	Capital Outlay on Defence Services	Capital	162484,58,00,000	*115,42,00,000*	162600,00,00,000
22	Defence Pensions	Revenue	138203,12,00,000	*1,88,00,000*	138205,00,00,000
23	Ministry of Development of North Eastern Region	Revenue	1798,75,00,000	..	1798,75,00,000
		Capital	4093,25,00,000	..	4093,25,00,000
24	Ministry of Earth Sciences	Revenue	2650,57,00,000	..	2650,57,00,000
		Capital	673,81,00,000	..	673,81,00,000
25	Department of School Education and Literacy	Revenue	104804,30,00,000	..	104804,30,00,000
		Capital	55,00,000	..	55,00,000
26	Department of Higher Education	Revenue	50082,10,00,000	..	50082,10,00,000
		Capital	12,52,00,000	..	12,52,00,000
27	Ministry of Electronics and Information Technology	Revenue	16180,36,00,000	..	16180,36,00,000
		Capital	368,68,00,000	..	368,68,00,000
28	Ministry of Environment, Forests and Climate Change	Revenue	3576,27,00,000	..	3576,27,00,000
		Capital	145,38,00,000	..	145,38,00,000

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1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
29	Ministry of External Affairs	Revenue	16534,76,00,000	*3,00,000*	16534,79,00,000
		Capital	1520,21,00,000	..	1520,21,00,000
30	Department of Economic Affairs	Revenue	6909,09,00,000	..	6909,09,00,000
		Capital	8227,45,00,000	..	8227,45,00,000
31	Department of Expenditure	Revenue	389,26,00,000	..	389,26,00,000
		Capital	128,08,00,000	..	128,08,00,000
32	Department of Financial Services	Revenue	1112,35,00,000	..	1112,35,00,000
		Capital	262,31,00,000	..	262,31,00,000
33	Department of Public Enterprises	Revenue	32,15,00,000	..	32,15,00,000
		Capital	90,00,000	..	90,00,000
34	Department of Investment and Public Asset Management (DIPAM)	Revenue	93,46,00,000	..	93,46,00,000
		Capital	1,46,00,000	..	1,46,00,000
35	Department of Revenue	Revenue	189707,53,00,000	..	189707,53,00,000
		Capital	119,84,00,000	..	119,84,00,000
36	Direct Taxes	Revenue	8282,87,00,000	..	8282,87,00,000
		Capital	1610,00,00,000	..	1610,00,00,000
37	Indirect Taxes	Revenue	36305,58,00,000	..	36305,58,00,000
		Capital	2205,00,00,000	..	2205,00,00,000
38	Indian Audit and Accounts Department	Revenue	5776,60,00,000	*263,67,00,000*	6040,27,00,000
		Capital	142,76,00,000	..	142,76,00,000
	CHARGED.— *Interest Payments*	Revenue	..	*1113971,00,00,000*	1113971,00,00,000
	CHARGED.—*Repayment of Debt*	Capital	...	*8948452,71,00,000*	8948452,71,00,000
41	Pensions	Revenue	72301,00,00,000	*400,00,00,000*	*72701,00,00,000*
42	Transfers to States	Revenue	39340,01,00,000	*165480,00,00,000*	204820,01,00,000
		Capital	128000,02,00,000	*26650,00,00,000*	154650,02,00,000
43	Department of Fisheries	Revenue	2228,37,00,000	..	2228,37,00,000
		Capital	20,40,00,000	..	20,40,00,000
44	Department of Animal Husbandry and Dairying	Revenue	4649,09,00,000	..	4649,09,00,000
		Capital	38,76,00,000	..	38,76,00,000
45	Ministry of Food Processing Industries	Revenue	3285,19,00,000	..	3285,19,00,000
		Capital	2,46,00,000	..	2,46,00,000
46	Department of Health and Family Welfare	Revenue	99382,66,00,000	..	99382,66,00,000
		Capital	5300,34,00,000	..	5300,34,00,000
47	Department of Health Research	Revenue	2979,20,00,000	..	2979,20,00,000
		Capital	80,00,000	..	80,00,000
48	Ministry of Heavy Industries	Revenue	6145,32,00,000	..	6145,32,00,000
		Capital	26,31,00,000	..	26,31,00,000
49	Ministry of Home Affairs	Revenue	5472,44,00,000	..	5472,44,00,000
		Capital	428,87,00,000	..	428,87,00,000
50	Cabinet	Revenue	969,18,00,000	..	969,18,00,000
		Capital	289,50,00,000	..	289,50,00,000
51	Police	Revenue	117774,96,00,000	*7,69,00,000*	117782,65,00,000
		Capital	11839,30,00,000	*5,57,00,000*	11844,87,00,000
52	Andaman and Nicobar Islands	Revenue	5541,95,00,000	*1,00,000*	5541,96,00,000
		Capital	505,18,00,000	..	505,18,00,000
53	Chandigarh	Revenue	4920,26,00,000	*444,81,00,000*	5365,07,00,000
		Capital	672,03,00,000	*50,00,00,000*	722,03,00,000
54	Dadra and Nagar Haveli and Daman and Diu	Revenue	1533,86,00,000	..	1533,86,00,000
		Capital	948,14,00,000	..	948,14,00,000
55	Ladakh	Revenue	2818,33,00,000	..	2818,33,00,000
		Capital	3149,92,00,000	..	3149,92,00,000
56	Lakshadweep	Revenue	1136,02,00,000	..	1136,02,00,000
		Capital	285,48,00,000	..	285,48,00,000
57	Transfers to Delhi	Revenue	1168,00,00,000	..	1168,00,00,000
		Capital	1,00,000	..	1,00,000
58	Transfers to Jammu and Kashmir	Revenue	35581,44,00,000	..	35581,44,00,000

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1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
59	Transfers to Puducherry	Revenue	3117,76,00,000	..	3117,76,00,000
		Capital	1,00,000	..	1,00,000
60	Ministry of Housing and Urban Affairs	Revenue	50474,60,00,000	*117,72,00,000*	50592,32,00,000
		Capital	29568,05,00,000	*38,23,00,000*	29606,28,00,000
61	Ministry of Information and Broadcasting	Revenue	4661,16,00,000	..	4661,16,00,000
		Capital	30,84,00,000	..	30,84,00,000
62	Department of Water Resources, River Development and Ganga Rejuvenation	Revenue	19738,21,00,000	..	19738,21,00,000
		Capital	380,48,00,000	..	380,48,00,000
63	Department of Drinking Water and Sanitation	Revenue	77221,80,00,000	..	77221,80,00,000
		Capital	1,20,00,000	..	1,20,00,000
64	Ministry of Labour and Employment	Revenue	13183,86,00,000	..	13183,86,00,000
		Capital	37,87,00,000	..	37,87,00,000
65	Law and Justice	Revenue	2230,65,00,000	..	2230,65,00,000
		Capital	1944,78,00,000	..	1944,78,00,000
66	Election Commission	Revenue	312,00,00,000	..	312,00,00,000
		Capital	28,00,00,000	..	28,00,00,000
	CHARGED.—*Supreme Court of India*	Revenue	..	*407,15,00,000*	407,15,00,000
		Capital	..	*30,00,00,000*	30,00,00,000
68	Ministry of Micro, Small and Medium Enterprises	Revenue	21543,43,00,000	..	21543,43,00,000
		Capital	594,52,00,000	..	594,52,00,000
69	Ministry of Mines	Revenue	2234,48,00,000	..	2234,48,00,000
		Capital	77,12,00,000	..	77,12,00,000
70	Ministry of Minority Affairs	Revenue	3032,60,00,000	..	3032,60,00,000
		Capital	65,00,00,000	..	65,00,00,000
71	Ministry of New and Renewable Energy	Revenue	17717,81,00,000	..	17717,81,00,000
		Capital	11,65,00,000	..	11,65,00,000
72	Ministry of Panchayati Raj	Revenue	993,27,00,000	..	993,27,00,000
		Capital	23,15,00,000	..	23,15,00,000
73	Ministry of Parliamentary Affairs	Revenue	59,00,00,000	..	59,00,00,000
		Capital	4,00,00,000	..	4,00,00,000
74	Ministry of Personnel, Public Grievances and Pensions	Revenue	1910,19,00,000	*21,83,00,000*	1932,02,00,000
		Capital	202,55,00,000	*73,17,00,000*	275,72,00,000
	CHARGED.—*Central Vigilance Commission*	Revenue	..	*43,21,00,000*	43,21,00,000
		Capital	..	*1,25,00,000*	1,25,00,000
76	Ministry of Petroleum and Natural Gas	Revenue	5498,74,00,000	..	5498,74,00,000
		Capital	35508,98,00,000	..	35508,98,00,000
77	Ministry of Planning	Revenue	805,73,00,000	..	805,73,00,000
		Capital	18,66,00,000	..	18,66,00,000
78	Ministry of Ports, Shipping and Waterways	Revenue	1530,53,00,000	..	1530,53,00,000
		Capital	1198,21,00,000	..	1198,21,00,000
79	Ministry of Power	Revenue	21794,52,00,000	..	21794,52,00,000
		Capital	16,80,00,000	..	16,80,00,000
	CHARGED.—*Staff, Household and Allowances of the President*	Revenue	..	*87,73,00,000*	87,73,00,000
		Capital	..	*2,41,00,000*	2,41,00,000
81	Lok Sabha	Revenue	785,41,00,000	*1,10,00,000*	786,51,00,000
		Capital	35,49,00,000	..	35,49,00,000
82	Rajya Sabha	Revenue	472,31,00,000	*2,04,00,000*	474,35,00,000
		Capital	10,06,00,000	..	10,06,00,000
83	Secretariat of the Vice-President	Revenue	9,10,00,000	..	9,10,00,000
		Capital	21,00,000	..	21,00,000
	CHARGED.—*Union Public Service Commission*	Revenue	..	*358,46,00,000*	358,46,00,000
		Capital	..	*21,54,00,000*	21,54,00,000
85	Ministry of Railways	Revenue	330567,42,00,000	*433,10,00,000*	331000,52,00,000
		Capital	440409,78,00,000	*219,29,00,000*	440629,07,00,000
86	Ministry of Road Transport and Highways	Revenue	23528,23,00,000	..	23528,23,00,000
		Capital	321293,78,00,000	*5,00,00,000*	321298,78,00,000

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1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
87	Department of Rural Development	Revenue	236541,48,00,000	..	236541,48,00,000
		Capital	3,52,00,000	..	3,52,00,000
88	Department of Land Resources	Revenue	2417,97,00,000	..	2417,97,00,000
		Capital	1,26,00,000	..	1,26,00,000
89	Department of Science and Technology	Revenue	7843,95,00,000	..	7843,95,00,000
		Capital	88,30,00,000	..	88,30,00,000
90	Department of Biotechnology	Revenue	2683,86,00,000	..	2683,86,00,000
91	Department of Scientific and Industrial Research	Revenue	5737,05,00,000	..	5737,05,00,000
		Capital	9,46,00,000	..	9,46,00,000
92	Ministry of Skill Development and Entrepreneurship	Revenue	3418,07,00,000	..	3418,07,00,000
		Capital	99,24,00,000	..	99,24,00,000
93	Department of Social Justice and Empowerment	Revenue	13117,11,00,000	..	13117,11,00,000
		Capital	140,05,00,000	..	140,05,00,000
94	Department of Empowerment of Persons with Disabilities	Revenue	1224,09,00,000	..	1224,09,00,000
		Capital	1,06,00,000	..	1,06,00,000
95	Department of Space	Revenue	6186,50,00,000	*60,00,000*	6187,10,00,000
		Capital	6356,41,00,000	*40,00,000*	6356,81,00,000
96	Ministry of Statistics and Programme Implementation	Revenue	5409,92,00,000	..	5409,92,00,000
		Capital	33,48,00,000	..	33,48,00,000
97	Ministry of Steel	Revenue	67,98,00,000	..	67,98,00,000
		Capital	2,17,00,000	..	2,17,00,000
98	Ministry of Textiles	Revenue	4362,53,00,000	..	4362,53,00,000
		Capital	26,81,00,000	..	26,81,00,000
99	Ministry of Tourism	Revenue	2400,00,00,000	..	2400,00,00,000
100	Ministry of Tribal Affairs	Revenue	7509,04,00,000	*4905,91,00,000*	12414,95,00,000
		Capital	46,93,00,000	..	46,93,00,000
101	Ministry of Women and Child Development	Revenue	25943,67,00,000	..	25943,67,00,000
		Capital	5,08,00,000	..	5,08,00,000
102	Ministry of Youth Affairs and Sports	Revenue	3389,56,00,000	..	3389,56,00,000
		Capital	7,76,00,000	..	7,76,00,000
	TOTAL:		4164409,95,00,000	*10262738,21,00,000*	14427148,16,00,000

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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THE APPROPRIATION (NO. 2) ACT, 2023

No. 5 of 2023

[29*th March*, 2023.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2022-23.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (No. 2) Act, 2023.

Issue of Rs. 270508,89,00,000 out of the Consolidated Fund of India for the financial year 2022-23.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two lakh seventy thousand five hundred eight crore and eighty-nine lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2022-23 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

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THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Department of Agriculture and Farmers Welfare	Revenue	4,00,000	..	4,00,000
2	Department of Agricultural Research and Education	Revenue	145,29,00,000	..	145,29,00,000
3	Atomic Energy	Revenue	..	*18,00,00,000*	18,00,00,000
		Capital	1,00,000	..	1,00,000
4	Ministry of Ayush	Revenue	1,00,000	..	1,00,000
5	Department of Chemicals and Petrochemicals	Revenue	1,00,000	..	1,00,000
6	Department of Fertilisers	Revenue	36325,36,00,000	..	36325,36,00,000
7	Department of Pharmaceuticals	Revenue	1,00,000	*1,00,000*	2,00,000
8	Ministry of Civil Aviation	Revenue	2,00,000	..	2,00,000
		Capital	10,00,00,000	..	10,00,00,000
9	Ministry of Coal	Revenue	1,00,000	..	1,00,000
10	Department of Commerce	Revenue	742,01,00,000	..	742,01,00,000
11	Department for Promotion of Industry and Internal Trade	Revenue	2,00,000	*29,00,000*	31,00,000
		Capital	235,98,00,000	..	235,98,00,000
12	Department of Posts	Revenue	83,96,00,000	..	83,96,00,000
		Capital	518,40,00,000	..	518,40,00,000
13	Department of Telecommunications	Revenue	25052,58,00,000	*25,00,00,000*	25077,58,00,000
		Capital	634,36,00,000	*1,14,00,000*	635,50,00,000
14	Department of Consumer Affairs	Capital	6,77,00,000	..	6,77,00,000
15	Department of Food and Public Distribution	Capital	3,21,00,000	..	3,21,00,000
16	Ministry of Cooperation	Revenue	1002,03,00,000	..	1002,03,00,000
		Capital	1,00,000	..	1,00,000
18	Ministry of Culture	Revenue	2,00,000	..	2,00,000
19	Ministry of Defence (Civil)	Revenue	2327,36,00,000	*1,71,00,000*	2329,07,00,000
		Capital	2,00,000	..	2,00,000
20	Defence Services (Revenue)	Revenue	7219,57,00,000	*20,87,00,000*	7240,44,00,000
21	Capital Outlay on Defence Services	Capital	1,00,000	*233,98,00,000*	233,99,00,000
22	Defence Pensions	Revenue	33724,38,00,000	..	33724,38,00,000
23	Ministry of Development of North Eastern Region	Capital	33,76,00,000	..	33,76,00,000
24	Ministry of Earth Sciences	Revenue	3,00,000	..	3,00,000
25	Department of School Education and Literacy	Revenue	1,00,000	..	1,00,000
26	Department of Higher Education	Revenue	12,67,00,000	..	12,67,00,000
		Capital	1,00,000	..	1,00,000
27	Ministry of Electronics and Information Technology	Revenue	3,00,000	..	3,00,000
		Capital	1,00,000	..	1,00,000
28	Ministry of Environment, Forests and Climate Change	Revenue	2,00,000	..	2,00,000
		Capital	1,00,000	..	1,00,000
29	Ministry of External Affairs	Revenue	451,58,00,000	..	451,58,00,000
30	Department of Economic Affairs	Revenue	4,00,000	..	4,00,000
32	Department of Financial Services	Revenue	1,00,000	..	1,00,000
35	Department of Revenue	Revenue	67012,58,00,000	..	67012,58,00,000
36	Direct Taxes	Capital	2,00,000	..	2,00,000
37	Indirect Taxes	Revenue	1,00,000	..	1,00,000
		Capital	2,00,000	..	2,00,000

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1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
38	Indian Audit and Accounts Department	Capital	134,21,00,000	..	134,21,00,000
	CHARGED.—*Interest Payments*	Revenue	..	*4830,00,00,000*	4830,00,00,000
	CHARGED.—*Repayment of Debt*	Capital	..	*70762,96,00,000*	70762,96,00,000
41	Pensions	Revenue	1499,19,00,000	..	1499,19,00,000
42	Transfers to States	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	*1,00,000*	2,00,000
43	Department of Fisheries	Revenue	1,00,000	..	1,00,000
44	Department of Animal Husbandry and Dairying	Revenue	31,14,00,000	..	31,14,00,000
45	Ministry of Food Processing Industries	Revenue	1,00,000	..	1,00,000
46	Department of Health and Family Welfare	Revenue	3,00,000	..	3,00,000
		Capital	1,00,000	..	1,00,000
49	Ministry of Home Affairs	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000
51	Police	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	*13,00,000*	14,00,000
52	Andaman and Nicobar Islands	Revenue	9,00,000	..	9,00,000
		Capital	20,00,000	..	20,00,000
55	Ladakh	Revenue	4,00,000	..	4,00,000
56	Lakshadweep	Revenue	35,95,00,000	..	35,95,00,000
57	Transfers to Delhi	Capital	1,00,000	..	1,00,000
58	Transfers to Jammu and Kashmir	Revenue	158,00,00,000	..	158,00,00,000
60	Ministry of Housing and Urban Affairs	Revenue	4,00,000	..	4,00,000
		Capital	3,00,000	..	3,00,000
61	Ministry of Information and Broadcasting	Revenue	1,00,000	..	1,00,000
62	Department of Water Resources, River Development and Ganga Rejuvenation	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000
64	Ministry of Labour and Employment	Revenue	1,00,000	..	1,00,000
65	Law and Justice	Revenue	3166,09,00,000	..	3166,09,00,000
66	Election Commission	Capital	1,00,000	..	1,00,000
68	Ministry of Micro, Small and Medium Enterprises	Revenue	2306,21,00,000	..	2306,21,00,000
69	Ministry of Mines	Revenue	151,95,00,000	..	151,95,00,000
71	Ministry of New and Renewable Energy	Revenue	5536,00,00,000	..	5536,00,00,000
76	Ministry of Petroleum and Natural Gas	Revenue	2,00,000	..	2,00,000
77	Ministry of Planning	Revenue	16,44,00,000	..	16,44,00,000
78	Ministry of Ports, Shipping and Waterways	Revenue	1,00,000	..	1,00,000
		Capital	23,86,00,000	..	23,86,00,000
79	Ministry of Power	Revenue	1,00,000	..	1,00,000
	CHARGED.—*Union Public Service Commission*	Revenue	..	*18,75,00,000*	18,75,00,000
85	Ministry of Railways	Revenue	1340,94,00,000	*68,80,00,000*	1409,74,00,000
		Capital	1,00,000	*882,00,00,000*	882,01,00,000
86	Ministry of Road Transport and Highways	Revenue	1,00,000	..	1,00,000
		Capital	3693,10,00,000	..	3693,10,00,000
88	Department of Land Resources	Revenue	1,00,000	..	1,00,000
89	Department of Science and Technology	Revenue	2,00,000	..	2,00,000
90	Department of Biotechnology	Revenue	2,00,000	..	2,00,000
91	Department of Scientific and Industrial Research	Revenue	1,00,000	..	1,00,000

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1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
92	Ministry of Skill Development and Entrepreneurship..	Revenue	1,00,000	..	1,00,000
93	Department of Social Justice and Empowerment.....	Capital	8,17,00,000	..	8,17,00,000
94	Department of Empowerment of Persons with Disabilities	Revenue	1,00,000	..	1,00,000
95	Department of Space	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000
98	Ministry of Textiles	Revenue	2,00,000	..	2,00,000
100	Ministry of Tribal Affairs	Revenue	96,00,000	..	96,00,000
102	Ministry of Youth Affairs and Sports	Revenue	1,00,000	..	1,00,000
	TOTAL:		193645,24,00,000	*76863,65,00,000*	270508,89,00,000

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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THE JAMMU AND KASHMIR APPROPRIATION (No. 2) ACT, 2023

NO. 6 OF 2023

[29*th March*, 2023.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2023-24.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India, in exercise of powers vested under the Jammu and Kashmir Reorganisation Act, 2019 as follows:—

Short title.

1. This Act may be called the Jammu and Kashmir Appropriation (No. 2) Act, 2023.

Issue of Rs. 148500,00,00,000 out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the financial year 2023-24.

2. From and out of the Consolidated Fund of the Union territory of Jammu and Kashmir, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one lakh forty-eight thousand five hundred crore rupees towards defraying the several charges which will come in course of payment during the financial year 2023-24 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

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THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote/ Appro-priation	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	General Administration Department	Revenue	529,18,07,000	*31,68,44,000*	560,86,51,000
		Capital	163,41,19,000	..	163,41,19,000
2	Home Department	Revenue	10314,22,39,000	..	10314,22,39,000
		Capital	799,61,03,000	..	799,61,03,000
3	Planning Department	Revenue	134,80,01,000	..	134,80,01,000
		Capital	786,56,80,000	..	786,56,80,000
4	Information Department	Revenue	122,04,81,000	..	122,04,81,000
		Capital	100,47,70,000	..	100,47,70,000
5	Mining Department	Revenue	78,34,61,000	..	78,34,61,000
		Capital	12,20,00,000	..	12,20,00,000
6	Power Development Department	Revenue	4388,24,24,000	..	4388,24,24,000
		Capital	1964,90,03,000	..	1964,90,03,000
7	Education Department	Revenue	12000,18,27,000	..	12000,18,27,000
		Capital	792,12,18,000	..	792,12,18,000
8	Finance Department	Revenue	13620,83,88,000	*9635,18,00,000*	23256,01,88,000
		Capital	1021,65,59,000	*37978,38,00,000*	39000,03,59,000
9	Parliamentary Affairs Department	Revenue	58,71,79,000	*87,10,000*	59,58,89,000
		Capital	4,00,00,000	..	4,00,00,000
10	Law Department	Revenue	830,23,02,000	*102,35,00,000*	932,58,02,000
		Capital	192,00,00,000	..	192,00,00,000
11	Industry and Commerce Department	Revenue	347,43,60,000	..	347,43,60,000
		Capital	741,78,54,000	..	741,78,54,000
12	Agriculture Department	Revenue	1308,00,78,000	..	1308,00,78,000
		Capital	1953,95,00,000	..	1953,95,00,000
13	Animal/Sheep Husbandry Department	Revenue	669,08,18,000	..	669,08,18,000
		Capital	476,43,73,000	..	476,43,73,000
14	Revenue Department	Revenue	830,53,54,000	..	830,53,54,000
		Capital	59,50,00,000	..	59,50,00,000
15	Food Civil Supplies and Consumer Affairs Department	Revenue	236,20,92,000	..	236,20,92,000
		Capital	390,87,21,000	..	390,87,21,000
16	Public Works Department	Revenue	1327,60,32,000	..	1327,60,32,000
		Capital	4062,86,99,000	..	4062,86,99,000
17	Health and Medical Education Department	Revenue	6264,74,70,000	..	6264,74,70,000
		Capital	2097,53,11,000	..	2097,53,11,000
18	Social Welfare Department	Revenue	3538,71,81,000	..	3538,71,81,000
		Capital	98,92,40,000	..	98,92,40,000
19	Housing and Urban Development Department	Revenue	1297,50,60,000	..	1297,50,60,000
		Capital	2928,04,20,000	..	2928,04,20,000
20	Tourism Department	Revenue	215,00,08,000	..	215,00,08,000
		Capital	287,32,00,000	..	287,32,00,000
21	Forest Department	Revenue	1568,51,97,000	..	1568,51,97,000
		Capital	207,74,52,000	..	207,74,52,000
22	Irrigation Department	Revenue	717,57,66,000	..	717,57,66,000
		Capital	1310,50,41,000	..	1310,50,41,000

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1	2		3		
No. of Vote/ Appro-priation	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
23	Public Health Engineering Department	Revenue	1838,11,64,000	..	1838,11,64,000
		Capital	5850,00,00,000	..	5850,00,00,000
24	Hospitality and Protocol Department	Revenue	239,37,08,000	..	239,37,08,000
		Capital	72,00,00,000	..	72,00,00,000
25	Labour, Stationery and Printing Department	Revenue	111,13,22,000	..	111,13,22,000
		Capital	69,00,23,000	..	69,00,23,000
26	Fisheries Department	Revenue	111,56,86,000	..	111,56,86,000
		Capital	153,25,78,000	..	153,25,78,000
27	Higher Education Department	Revenue	1540,67,76,000	..	1540,67,76,000
		Capital	729,75,00,000	..	729,75,00,000
28	Rural Development Department	Revenue	748,33,69,000	..	748,33,69,000
		Capital	4169,26,42,000	..	4169,26,42,000
29	Transport Department	Revenue	107,39,02,000	..	107,39,02,000
		Capital	54,39,32,000	..	54,39,32,000
30	Tribal Affairs Department	Revenue	121,90,73,000	..	121,90,73,000
		Capital	446,75,59,000	..	446,75,59,000
31	Culture Department	Revenue	97,37,65,000	..	97,37,65,000
		Capital	170,07,16,000	..	170,07,16,000
32	Horticulture Department	Revenue	161,52,57,000	..	161,52,57,000
		Capital	572,78,73,000	..	572,78,73,000
33	Disaster Management, Relief, Rehabilitation and Reconstruction Department	Revenue	1009,82,08,000	..	1009,82,08,000
		Capital	410,67,41,000	..	410,67,41,000
34	Youth Services and Technical Education Department	Revenue	669,47,69,000	..	669,47,69,000
		Capital	227,63,14,000	..	227,63,14,000
35	Science and Technology Department	Revenue	13,02,12,000	..	13,02,12,000
		Capital	109,85,00,000	..	109,85,00,000
36	Cooperative Department	Revenue	71,19,69,000	..	71,19,69,000
		Capital	25,00,00,000	..	25,00,00,000
	TOTAL:		100751,53,46,000	*47748,46,54,000*	148500,00,00,000

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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THE JAMMU AND KASHMIR APPROPRIATION ACT, 2023

No. 7 of 2023

[29*th March*, 2023.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2022-23.

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India, in exercise of powers vested under the Jammu and Kashmir Reorganisation Act, 2019 as follows:—

Short title.

1. This Act may be called the Jammu and Kashmir Appropriation Act, 2023.

Issue of Rs. 3711,71,76,000 (Supplementary Grant) out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the financial year 2022-23.

2. From and out of the Consolidated Fund of the Union territory of Jammu and Kashmir, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three thousand seven hundred eleven crore, seventy-one lakh and seventy-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2022-23 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

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THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote/ Appro-priation	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
8	Finance Department ..... Revenue	2734,52,12,000	..	2734,52,12,000
10	Law Department ..... Revenue	43,67,31,000	*15,11,00,000*	58,78,31,000
17	Health and Medical Education Department ..... Revenue	607,36,91,000	..	607,36,91,000
22	Irrigation Department ..... Capital	54,26,78,000	..	54,26,78,000
24	Hospitality and Protocol Department ..... Revenue	3,35,94,000	..	3,35,94,000
30	Tribal Affairs Department ..... Capital	147,75,49,000	..	147,75,49,000
32	Horticulture Department ..... Capital	8,76,53,000	..	8,76,53,000
34	Youth Services and Technical Education Department ..... Capital	5,64,78,000	..	5,64,78,000
36	Cooperative Department ..... Revenue	91,24,90,000	..	91,24,90,000
	TOTAL:	3696,60,76,000	*15,11,00,000*	3711,71,76,000

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. PBN-2/38/2026-LAW. *Dated, Thiruvananthapuram, 16th June 2026.*

The following Acts of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated the 3rd day of January, 2023 is hereby republished for general information. The Bills as passed by the Houses of Parliament received the assent of the President of India on the 2nd day of January, 2023.

By order of the Governor,

K. G. SANAL KUMAR,
Law Secretary.

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THE CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) ACT, 2022

No. 1 of 2023

[2*nd January,* 2023.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Tamil Nadu.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2022.

Amendment of Constitution (Scheduled Tribes) Order, 1950.

C.O. 22.

2. In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in Part XIV.—*Tamil Nadu,* after entry 36, the following entry shall be inserted, namely:—

"37. Narikoravan, Kurivikkaran.".

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

———

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THE CONSTITUTION (SCHEDULED TRIBES) ORDER (FOURTH AMENDMENT) ACT, 2022

NO. 2 OF 2023

[2*nd January,* 2023.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in relation to the State of Karnataka.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Fourth Amendment) Act, 2022. Short title.

Amendment of Constitution (Scheduled Tribes) Order, 1950.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART VI.— C.O. 22.
Karnataka, for entry 16, the following entry shall be substituted, namely:—

"16. Kadu Kuruba, Betta-Kuruba".

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

———

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GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. PBN-2/38/2026-LAW. *Dated, Thiruvananthapuram, 16th June 2026.*

The following Act of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated the 11th day of April, 2023 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 11th day of April, 2023.

By order of the Governor,

K. G. SANAL KUMAR,
Law Secretary.

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THE COMPETITION (AMENDMENT) ACT, 2023

No. 9 OF 2023

[11*th April*, 2023.]

An Act further to amend the Competition Act, 2002.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Competition (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Substitution of references to certain expressions by certain other expressions.

2. In the Competition Act, 2002 (hereinafter referred to as the principal Act),— 12 of 2003.

(*a*) for the words and figures "the Companies Act, 1956", wherever they occur, the words and figures "the Companies Act, 2013" shall be substituted; 1 of 1956. 18 of 2013.

(*b*) for the figures and word "1 of 1956", wherever they occur, the figures and word "18 of 2013" shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act,—

(*a*) after clause (*e*), the following clause shall be inserted, namely:—

'(*ea*) "commitment" means the commitment referred to in section 48B;';

(*b*) in clause (*h*), for the portion beginning with the words "a person or a department of the Government" and ending with the words "defence and space", the following words shall be substituted, namely:—

"a person or a department of the Government, including units, divisions, subsidiaries, who or which is, or has been, engaged in any economic activity, relating to the production, storage, supply, distribution, acquisition or control of articles or goods, or the provision of services, of any kind, or in investment, or in the business of acquiring, holding, underwriting or dealing with shares, debentures or other securities of any other body corporate, either directly or through one or more of its units or divisions or subsidiaries, but does not include any activity of the Government relatable to the sovereign functions of the Government including all activities carried on by the departments of the Central Government dealing with atomic energy, currency, defence and space;";

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(*c*) after clause (*k*), the following clause shall be inserted, namely:—

'(*ka*) "party" includes a consumer or an enterprise or a person or an information provider, or a consumer association or a trade association, or the Central Government or any State Government or any statutory authority, as the case may be, and shall include an enterprise or a person against whom any inquiry or proceeding is instituted; and any enterprise or person impleaded by the Commission to join the proceedings;';

(*d*) in clause (*l*), in sub-clause (*vi*), for the words and figures "section 617 of the Companies Act, 1956", the words, brackets and figures "clause (*45*) of section 2 of the Companies Act, 2013" shall be substituted; 1 of 1956. 18 of 2013.

(*e*) for clause (*p*), the following clause shall be substituted, namely:—

'(*p*) "public financial institution" means public financial institution as defined in clause (*72*) of section 2 of the Companies Act, 2013 and includes a State Financial Corporation, State Industrial Corporation or State Investment Corporation;'; 18 of 2013.

(*f*) for clause (*t*), the following clause shall be substituted, namely:—

'(*t*) "relevant product market" means a market comprising of all those products or services—

(*i*) which are regarded as inter-changeable or substitutable by the consumer, by reason of characteristics of the products or services, their prices and intended use; or

(*ii*) the production or supply of, which are regarded as inter-changeable or substitutable by the supplier, by reason of the ease of switching production between such products and services and marketing them in the short term without incurring significant additional costs or risks in response to small and permanent changes in relative prices;';

(*g*) after clause (*u*), the following clause shall be inserted, namely:—

'(*ua*) "settlement" means the settlement referred to in section 48A;'.

4. In section 3 of the principal Act,— Amendment of section 3.

(*a*) in sub-section (*3*), after the proviso, the following proviso shall be inserted, namely:—

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"Provided further that an enterprise or association of enterprises or a person or association of persons though not engaged in identical or similar trade shall also be presumed to be part of the agreement under this sub-section if it participates or intends to participate in the furtherance of such agreement.";

(*b*) in sub-section (*4*),—

(*i*) for the words "Any agreement amongst enterprises or persons", the words "Any other agreement amongst enterprises or persons including but not restricted to agreement amongst enterprises or persons" shall be substituted;

(*ii*) in clause (*b*), for the word "supply", the word "dealing" shall be substituted;

(*iii*) before the *Explanation,* the following proviso shall be inserted, namely:—

"Provided that nothing contained in this sub-section shall apply to an agreement entered into between an enterprise and an end consumer.";

(*iv*) in the *Explanation,*—

(*i*) for clauses (*a*) and (*b*), the following clauses shall be substituted, namely:—

'(*a*) "tie-in arrangement" includes any agreement requiring a purchaser of goods or services, as a condition of such purchase, to purchase some other distinct goods or services;

(*b*) "exclusive dealing agreement" includes any agreement restricting in any manner the purchaser or the seller, as the case may be, in the course of his trade from acquiring or selling or otherwise dealing in any goods or services other than those of the seller or the purchaser or any other person, as the case may be;';

(*ii*) in clause (*c*), after the word "goods", at both the places where it occurs, the words "or services" shall be inserted;

(*iii*) in clause (*d*), after the word "goods", at both the places where it occurs, the words "or services" shall be inserted;

(*iv*) in clause (*e*), for the words "includes any agreement to sell goods on condition", the words "includes, in case of any agreement to sell goods or provide services, any direct or indirect restriction" shall be substituted;

(*c*) in sub-section (*5*), in clause (*i*), after sub-clause (*f*), the following sub-clause shall be inserted, namely:—

"(*g*) any other law for the time being in force relating to the protection of other intellectual property rights.".

5. In section 4 of the principal Act, in sub-section (*2*), in clause (*a*), in the *Explanation,* for the words "discriminatory condition or price", the words "condition or price" shall be substituted. Amendment of section 4.

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Amendment of section 5.

6. In section 5 of the principal Act,—

(*A*) in clause (*c*), in sub-clause (*ii*), in item (*B*), for the word "India.", the words "India; or" shall be substituted;

(*B*) after clause (*c*), the following clauses shall be inserted, namely:—

"(*d*) value of any transaction, in connection with acquisition of any control, shares, voting rights or assets of an enterprise, merger or amalgamation exceeds rupees two thousand crore:

Provided that the enterprise which is being acquired, taken control of, merged or amalgamated has such substantial business operations in India as may be specified by regulations.

(*e*) notwithstanding anything contained in clause (*a*) or clause (*b*) or clause (*c*), where either the value of assets or turnover of the enterprise being acquired, taken control of, merged or amalgamated in India is not more than such value as may be prescribed, such acquisition, control, merger or amalgamation, shall not constitute a combination under section 5.";

(*C*) for the *Explanation,* the following *Explanation* shall be substituted, namely:—

'*Explanation*.—For the purposes of this section,—

(*a*) "control" means the ability to exercise material influence, in any manner whatsoever, over the management or affairs or strategic commercial decisions by—

(*i*) one or more enterprises, either jointly or singly, over another enterprise or group; or

(*ii*) one or more groups, either jointly or singly, over another group or enterprise;

(*b*) "group" means two or more enterprises where one enterprise is directly or indirectly, in a position to—

(*i*) exercise twenty-six per cent. or such other higher percentage as may be prescribed, of the voting rights in the other enterprise; or

(*ii*) appoint more than fifty per cent. of the members of the board of directors in the other enterprise; or

(*iii*) control the management or affairs of the other enterprise;

(*c*) "turnover" means the turnover certified by the statutory auditor on the basis of the last available audited accounts of the company in the financial year immediately preceding the financial year in which the notice is filed under sub-section (*2*) or sub-section (*4*) of section 6 and such turnover in India shall be determined by excluding intra-group sales, indirect taxes, trade discounts and all amounts generated through assets or business from customers outside India, as certified by the statutory auditor on the basis of the last available audited accounts of the company in the financial year immediately preceding the financial year in which the notice is filed under sub-section (*2*) or sub-section (*4*) of section 6;

(*d*) "value of transaction" includes every valuable consideration, whether direct or indirect, or deferred for any acquisition, merger or amalgamation;

(*e*) the value of assets shall be determined by taking the book value of the assets as shown, in the audited books of account of the enterprise, in the financial year immediately preceding the financial year in which the date of proposed combination falls and if such financial statement has not yet become due to be filed with the Registrar under the Companies Act, 2013 then as per the statutory auditor's report made on the basis of 18 of 2013.

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the last available audited accounts of the company in the financial year immediately preceding the financial year in which the notice is filed under sub-section (*2*) or sub-section (*4*) of section 6, as reduced by any depreciation, and the value of assets shall include the brand value, value of goodwill, or value of copyright, patent, permitted use, collective mark, registered proprietor, registered trade mark, registered user, homonymous geographical indication, geographical indications, design or layout-design or similar other commercial rights under the laws provided in sub-section (*5*) of section 3;

(*f*) where a portion of an enterprise or division or business is being acquired, taken control of, merged or amalgamated with another enterprise, the value of assets or turnover or value of transaction as may be applicable, of the said portion or division or business or attributable to it, shall be the relevant assets or turnover or relevant value of transaction for the purpose of applicability of the thresholds under section 5.'.

7. In section 6 of the principal Act,— Amendment of section 6.

(*a*) in sub-section (*2*),—

(*i*) for the words "within thirty days of", the words "after any of the following, but before consummation of the combination" shall be substituted;

(*ii*) in clause (*a*), after the word, brackets and letter "clause (*c*)", the words, brackets and letter "and clause (*d*)" shall be inserted;

(*iii*) in clause (*b*), after the word, brackets and letter "clause (*a*)", the words, brackets and letter "and clause (*d*)" shall be inserted;

(*iv*) the following *Explanation* shall be inserted, namely:—

'Explanation.—For the purposes of this sub-section, "other document" means any document, by whatever name called, conveying an agreement or decision to acquire control, shares, voting rights or assets or if the acquisition is without the consent of the enterprise being acquired, any document executed by the acquiring enterprise, by whatever name called, conveying a decision to acquire control, shares or voting rights or where a public announcement has been made in accordance with the provisions of the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011 made under the Securities and Exchange Board of India Act, 1992 for acquisition of shares, voting rights or control such public document.';

15 of 1992.

(*b*) in sub-section (*2A*), for the words "two hundred and ten days", the words "one hundred and fifty days" shall be substituted;

(*c*) in sub-section (*3*), for the words and figures "sections 29, 30 and 31", the words, figures and letter "sections 29, 29A, 30 and 31" shall be substituted;

(*d*) for sub-sections (*4*) and (*5*) and the *Explanation,* the following shall be substituted, namely:—

'(*4*) Notwithstanding anything contained in sub-sections (*2A*) and (*3*) and section 43A, if a combination fulfils such criteria as may be prescribed and is not otherwise exempted under this Act from the requirement to give notice to the Commission under sub-section (*2*), then notice for such combination may be given to the Commission in such form and on payment of such fee as may be specified by regulations, disclosing the details of the proposed combination and thereupon a separate notice under sub-section (*2*) shall not be required to be given for such combination.

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(*5*) Upon filing of a notice under sub-section (*4*) and acknowledgement thereof by the Commission, the proposed combination shall be deemed to have been approved by the Commission under sub-section (*1*) of section 31 and no other approval shall be required under sub-section (*2*) or sub-section (*2A*).

(*6*) If within the period referred to in sub-section (*1*) of section 20, the Commission finds that the combination notified under sub-section (*4*) does not fulfil the requirements specified under that sub-section or the information or declarations provided are materially incorrect or incomplete, the approval under sub-section (*5*) shall be void *ab initio* and the Commission may pass such order as it may deem fit:

Provided that no such order shall be passed unless the parties to the combination have been given an opportunity of being heard.

(*7*) Notwithstanding anything contained in this section and section 43A, upon fulfilment of such criteria as may be prescribed, certain categories of combinations shall be exempted from the requirement to comply with sub-sections (*2*), (*2A*) and (*4*).

(*8*) Notwithstanding anything contained in sub-sections (*4*), (*5*), (*6*) and (*7*)—

(*i*) the rules and regulations made under this Act on the matters referred to in these sub-sections as they stood immediately before the commencement of the Competition (Amendment) Act, 2023 and in force at such commencement, shall continue to be in force, till such time as the rules or regulations, as the case may be, made under this Act; and

(*ii*) any order passed or any fee imposed or combination consummated or resolution passed or direction given or instrument executed or issued or thing done under or in pursuance of any rules and regulations made under this Act shall, if in force at the commencement of the Competition (Amendment) Act, 2023, continue to be in force, and shall have effect as if such order passed or such fee imposed or such combination consummated or such resolution passed or such direction given or such instrument executed or issued or done under or in pursuance of this Act.

(*9*) The provisions of this section shall not apply to share subscription or financing facility or any acquisition, by a public financial institution, foreign portfolio investor, bank or Category I alternative investment fund, pursuant to any covenant of a loan agreement or investment agreement.

Explanation.—For the purposes of this section, the expression—

(*a*) "Category I alternative investment fund" has the same meaning as assigned to it under the Securities and Exchange Board of India (Alternative Investment Funds) Regulations, 2012 made under the Securities and Exchange Board of India Act, 1992; 15 of 1992.

(*b*) "foreign portfolio investor" has the same meaning as assigned to it under the Securities and Exchange Board of India (Foreign Portfolio Investors) Regulations, 2019 made under the Securities and Exchange Board of India Act,1992.'. 15 of 1992.

Insertion of a new section 6A.

8. After section 6 of the principal Act, the following section shall be inserted, namely:—

Open offers, etc.

'6A. Nothing contained in sub-section (*2A*) of section 6 and section 43A shall prevent the implementation of an open offer or an acquisition of shares or securities

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convertible into other securities from various sellers, through a series of transactions on a regulated stock exchange from coming into effect, if—

(*a*) the notice of the acquisition is filed with the Commission within such time and in such manner as may be specified by regulations; and

(*b*) the acquirer does not exercise any ownership or beneficial rights or interest in such shares or convertible securities including voting rights and receipt of dividends or any other distributions, except as may be specified by regulations, till the Commission approves such acquisition in accordance with the provisions of sub-section (*2A*) of section 6 of the Act.

Explanation.—For the purposes of this section, "open offer" means an open offer made in accordance with the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulation, 2011 made under the Securities and Exchange Board of India Act,1992.'.

15 of 1992.

9. In section 8 of the principal Act, in sub-section (*2*), after the word "industry,", the word "technology," shall be inserted. Amendment of section 8.

10. In section 9 of the principal Act, in sub-section (*1*), in clause (*d*), after the word "industry,", the word "technology," shall be inserted. Amendment of section 9.

11. For section 12 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 12.

"12. (*1*) The Chairperson and other Members shall, for a period of two years from the date on which they cease to hold office, not accept any employment in or advise as a consultant, retainer or in any other capacity whatsoever, or be connected with the management or administration of— Restriction on employment of Chairperson and other Members.

(*a*) any enterprise which is or has been a party to a proceeding before the Commission under this Act; or

(*b*) any person who appears or has appeared before the Commission under section 35.

(*2*) Notwithstanding anything contained in section 35, the Chairperson or any other Member after retirement or otherwise ceasing to be in service for any reason shall not represent for any person or enterprise before the Commission:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (*45*) of section 2 of the Companies Act, 2013.".

18 of 2013.

12. In section 16 of the principal Act, in sub-section (*1*), for the words "Central Government may, by notification", the words "Commission may, with the prior approval of the Central Government" shall be substituted. Amendment of section 16.

13. For section 18 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 18.

"18. Subject to the provisions of this Act, it shall be the duty of the Commission to eliminate practices having adverse effect on competition, promote and sustain competition, protect the interests of consumers and ensure freedom of trade carried on by other participants, in markets in India: Duties and functions of Commission.

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Provided that the Commission may, for the purpose of discharging its duties or performing its functions under this Act, enter into any memorandum or arrangement with the prior approval of the Central Government, with any agency of any foreign country:

Provided further that, the Commission may, for the purpose of discharging its duties or performing its functions under this Act, enter into any memorandum or arrangement with any statutory authority or department of Government.".

Amendment of section 19.

14. In section 19 of the principal Act,—

(*a*) in sub-section (*1*), the following provisos shall be inserted, namely:—

"Provided that the Commission shall not entertain an information or a reference unless it is filed within three years from the date on which the cause of action has arisen:

Provided further that an information or a reference may be entertained after the period specified in the first proviso if the Commission is satisfied that there had been sufficient cause for not filing the information or the reference within such period after recording its reasons for condoning such delay.";

(*b*) in sub-section (*3*),—

(*i*) in clause (*c*), the words "by hindering entry into the market" shall be omitted;

(*ii*) in clause (*d*), for the words "accrual of benefits", the words "benefits or harm" shall be substituted;

(*c*) in sub-section (*6*), after clause (*h*), the following clauses shall be inserted, namely:—

"(*i*) characteristics of goods or nature of services;

(*j*) costs associated with switching supply or demand to other areas.";

(*d*) in sub-section (*7*),—

(*i*) in clause (*a*), after the words "end-use of goods", the words "or the nature of services" shall be inserted;

(*ii*) after clause (*f*), the following clauses shall be inserted, namely:—

"(*g*) costs associated with switching demand or supply to other goods or services;

(*h*) categories of customers.".

Amendment of section 20.

15. In section 20 of the principal Act,—

(*a*) in sub-section (*1*), for the words, brackets and letter "clause (*c*) of that section", the words, brackets, letters and figure "clause (*c*) of section 5 or acquisition of any control, shares, voting right or assets of an enterprise, merger or amalgamation referred to in clause (*d*) of that section" shall be substituted;

(*b*) in sub-section (*3*), for the words "by notification, enhance or reduce, on the basis of the wholesale price index or fluctuations in exchange rate of rupee or foreign currencies, the value of assets or the value of turnover", the words "enhance or reduce by notification, or keep at the same level, on the basis of the wholesale price index or fluctuations in exchange rate of rupee or foreign currencies, or such factors that in its opinion are relevant in this matter, the value of assets or the value of turnover or value of transaction" shall be substituted;

(*c*) in sub-section (*4*), in clause (*c*), for the word "combination", the word "concentration" shall be substituted.

Amendment of section 21.

16. In section 21 of the principal Act, in sub-section (*1*), for the proviso, the following proviso shall be substituted, namely:—

"Provided that any statutory authority, may, *suo motu,* make a reference to the

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Commission on any issue that involves any provision of this Act or is related to promoting the objectives of this Act, as the case may be.".

Amendment of section 21A.

17. In section 21A of the principal Act, in sub-section (*1*),—

(*a*) for the words "this Act", the words "an Act" shall be substituted;

(*b*) for the proviso, the following proviso shall be substituted, namely:—

"Provided that the Commission, may, *suo motu*, make a reference to a statutory authority on any issue that involves provisions of an Act whose implementation is entrusted to that statutory authority.".

Amendment of section 22.

18. In section 22 of the principal Act, in sub-section (*3*), the words "and in the event of equality of votes, the Chairperson or in his absence, the Member presiding, shall have a second or casting vote" shall be omitted.

Amendment of section 26.

19. In section 26 of the principal Act,—

(*a*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) The Commission may not inquire into agreement referred to in section 3 or conduct of an enterprise or group under section 4, if the same or substantially the same facts and issues raised in the information received under section 19 or reference from the Central Government or a State Government or a statutory authority has already been decided by the Commission in its previous order.";

(*b*) after sub-section (*3*), the following sub-sections shall be inserted, namely:—

"(*3A*) If, after consideration of the report of the Director General referred to in sub-section (*3*), the Commission is of the opinion that further investigation is required, it may direct the Director General to investigate further into the matter.

(*3B*) The Director General shall, on receipt of direction under sub-section (*3A*), investigate the matter and submit a supplementary report on his findings within such period as may be specified by the Commission.";

(*c*) in sub-section (*4*), for the word, brackets and figure "sub-section (*3*)", at both the places where they occur, the words, brackets, figures and letter "sub-sections (*3*) and (*3B*)" shall be substituted;

(*d*) in sub-section (*5*), for the word, brackets and figure "sub-section (*3*)", the words, brackets, figures and letter "sub-sections (*3*) and (*3B*)" shall be substituted;

(*e*) in sub-section (*8*), for the word, brackets and figure "sub-section (*3*)", the words, brackets, figures and letter "sub-sections (*3*) and (*3B*)" shall be substituted;

(*f*) after sub-section (*8*), the following sub-section shall be inserted, namely:—

"(*9*) Upon completion of the investigation or inquiry under sub-section (*7*) or sub-section (*8*), as the case may be, the Commission may pass an order closing the matter or pass an order under section 27, and send a copy of its order to the Central Government or the State Government or the statutory authority or the parties concerned, as the case may be:

Provided that before passing such order, the Commission shall issue a show-cause notice indicating the contraventions alleged to have been committed and such other details as may be specified by regulations and give a reasonable opportunity of being heard to the parties concerned.".

Amendment of section 27.

20. In section 27 of the principal Act, for clause (*b*), the following clause shall be substituted, namely:—

'(*b*) impose such penalty, as it may deem fit which shall be not more than ten per cent. of the average of the turnover or income, as the case may be, for the last three

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preceding financial years, upon each of such person or enterprise which is a party to such agreement or has abused its dominant position:

Provided that in case any agreement referred to in section 3 has been entered into by a cartel, the Commission may impose upon each producer, seller, distributor, trader or service provider included in that cartel, a penalty of up to three times of its profit for each year of the continuance of such agreement or ten per cent. of its turnover or income, as the case may be, for each year of the continuance of such agreement, whichever is higher.

Explanation 1.—For the purposes of this clause, the expression "turnover" or "income", as the case may be, shall be determined in such manner as may be specified by regulations.

Explanation 2.—For the purposes of this clause, "turnover" means global turnover derived from all the products and services by a person or an enterprise.'.

Amendment of section 29.

21. In section 29 of the principal Act,—

(*a*) in sub-section (*1*), for the words "within thirty days", the words "within fifteen days" shall be substituted;

(*b*) after sub-section (*1A*), the following sub-section shall be inserted, namely:—

"(*1B*) The Commission shall, within thirty days of receipt of notice under sub-section (*2*) of section 6, form its *prima facie* opinion referred to in sub-section (*1*).";

(*c*) in sub-section (*2*),—

(*i*) for the words "within seven working days", the words "within seven days" shall be substituted;

(*ii*) for the words "within ten working days", the words "within seven days" shall be substituted;

(*d*) in sub-section (*3*), for the words "within fifteen working days", the words "within ten days" shall be substituted;

(*e*) in sub-section (*4*), for the words "within fifteen working days", the words "within seven days" shall be substituted;

(*f*) in sub-section (*5*), for the words "within fifteen days", the words "within ten days" shall be substituted;

(*g*) for sub-section (*6*), the following sub-sections shall be substituted, namely:—

"(*6*) After receipt of all information, the Commission shall proceed to deal with the case in accordance with the provisions contained in section 29A or section 31, as the case may be.

(*7*) Notwithstanding anything contained in this section, the Commission may accept appropriate modifications offered by the parties to the combination or *suo motu* propose modifications, as the case may be, before forming a *prima facie* opinion under sub-section (*1*).".

Insertion of new section 29A.

22. After section 29 of the principal Act, the following section shall be inserted, namely:—

Issue of statement of objections by Commission and proposal of modifications.

"29A. (*1*) Upon completion of the process under section 29, where the Commission is of the opinion that the combination has, or is likely to have, an appreciable adverse effect on competition, it shall issue a statement of objections to the parties identifying such appreciable adverse effect on competition and direct the parties to explain within twenty-five days of receipt of the statement of objections, why such combination should be allowed to take effect.

(*2*) Where the parties to the combination consider that such appreciable adverse effect on competition can be eliminated by suitable modification to such combination,

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they may submit an offer of appropriate modification to the combination along with their explanation to the statement of objections issued under sub-section (*1*) in such manner as may be specified by regulations.

(*3*) If the Commission does not accept the modification submitted by the parties under sub-section (*2*) it shall, within seven days from the date of receipt of the proposed modifications under that sub-section, communicate to the parties as to why the modification is not sufficient to eliminate the appreciable adverse effect on competition and call upon the parties to furnish, within twelve days of the receipt of the said communication, revised modification, if any, to eliminate the appreciable adverse effects on competition:

Provided that the Commission shall evaluate such proposal for modification within twelve days from receipt of such proposal:

Provided further that the Commission may *suo motu* propose appropriate modifications to the combination which may be considered by the parties to the combination.".

Amendment of section 31.

23. In section 31 of the principal Act,—

(*a*) in the marginal heading, the word "certain" shall be omitted;

(*b*) in sub-section (*1*), the words "including the combination" shall be omitted;

(*c*) after sub-section (*1*), the following proviso shall be inserted, namely:—

"Provided that if the Commission does not form a *prima facie* opinion as provided under sub-section (*1B*) of section 29, the combination shall be deemed to have been approved and no separate order shall be required to be passed.";

(*d*) for sub-sections (*3*), (*4*), (*5*) and (*6*), the following sub-sections shall be substituted, namely:—

"(*3*) Where the Commission is of the opinion that any appreciable adverse effect on competition that the combination has, or is likely to have, can be eliminated by modification proposed by the parties or the Commission, as the case may be, under sub-section (*7*) of section 29 or sub-section (*2*) or sub-section (*3*) of section 29A, it may approve the combination subject to such modifications as it thinks fit.

(*4*) Where a combination is approved by the Commission under sub-section (*3*), the parties to the combination shall carry out such modification within such period as may be specified by the Commission.

(*5*) Where—

(*a*) the Commission has directed under sub-section (*2*) that the combination shall not take effect; or

(*b*) the parties to the combination, fail to carry out the modification within such period as may be specified by the Commission under sub-section (*4*); or

(*c*) the Commission is of the opinion that the combination has, or is likely to have, an appreciable adverse effect on competition which cannot be eliminated by suitable modification to such combination,

then, without prejudice to any penalty which may be imposed or any prosecution which may be initiated under this Act, the Commission may order that such combination shall not be given effect to, or be declared void, or frame a scheme to be implemented by the parties to address the appreciable adverse effect on competition, as the case may be.

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(*6*) If no order is passed or direction issued by the Commission in accordance with the provisions of sub-section (*1*) or sub-section (*2*) or sub-section (*3*) or sub-section (*5*), as the case may be, within a period of one hundred and fifty days from the date of notice given to the Commission under sub-section (*2*) of section 6, the combination shall be deemed to have been approved by the Commission.";

(*e*) sub-sections (*7*), (*8*), (*9*), (*10*), (*11*) and (*12*) shall be omitted.

Amendment of section 32.

24. In section 32 of the principal Act, for the figures and word "29 and 30", the figures, letter and word "29, 29A and 30" shall be substituted.

Amendment of section 35.

25. Section 35 of the principal Act shall be numbered as sub-section (*1*) thereof,—

(*a*) in sub-section (*1*) as so numbered, for the words "A person or an enterprise", the words "A party" shall be substituted;

(*b*) after sub-section (*1*) as so numbered, the following sub-section shall be inserted, namely:—

"(*2*) Without prejudice to sub-section (*1*), a party may call upon experts from the fields of economics, commerce, international trade or from any other discipline to provide an expert opinion in connection with any matter related to a case.".

Amendment of section 41.

26. In section 41 of the principal Act,—

(*a*) for sub-section (*3*), the following sub-sections shall be substituted, namely:—

"(*3*) Without prejudice to sub-section (*2*), it shall be the duty of all officers, other employees and agents of a party which are under investigation—

(*a*) to preserve and to produce all information, books, papers, other documents and records of, or relating to, the party which are in their custody or power to the Director General or any person authorised by it in this behalf; and

(*b*) to give all assistance in connection with the investigation to the Director General.

(*4*) The Director General may require any person other than a party referred to in sub-section (*3*) to furnish such information or produce such books, papers, other documents or records before it or any person authorised by it in this behalf if furnishing of such information or the production of such books, papers, other documents or records is relevant or necessary for the purposes of its investigation.

(*5*) The Director General may keep in his custody any information, books, papers, other documents or records produced under sub-section (*3*) or sub-section (*4*) for a period of one hundred and eighty days and thereafter shall return the same to the person by whom or on whose behalf the information, books, papers, other documents or records were produced:

Provided that the information, books, papers, other documents or records may be called for by the Director General if they are needed again for a further period of one hundred and eighty days by an order in writing:

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Provided further that the certified copies of the information, books, papers, other documents or records, as may be applicable, produced before the Director General may be provided to the party or person on whose behalf the information, books, papers, other documents or records are produced at their own cost.

(*6*) The Director General may examine on oath—

(*a*) any of the officers and other employees and agents of the party being investigated; and

(*b*) with the previous approval of the Commission, any other person,

in relation to the affairs of the party being investigated and may administer an oath accordingly and for that purpose may require any of those persons to appear before it personally.

(*7*) The examination under sub-section (*6*) shall be recorded in writing and shall be read over to or by, and signed by, the person examined and may thereafter be used in evidence against it.

(*8*) Where in the course of investigation, the Director General has reasonable grounds to believe that information, books, papers, other documents or records of, or relating to, any party or person, may be destroyed, mutilated, altered, falsified or secreted, the Director General may make an application to the Chief Metropolitan Magistrate, Delhi for an order for seizure of such information, books, papers, other documents or records.

(*9*) The Director General may make requisition of the services of any police officer or any officer of the Central Government to assist him for all or any of the purposes specified in sub-section (*10*) and it shall be the duty of every such officer to comply with such requisition.

(*10*) The Chief Metropolitan Magistrate, Delhi may, after considering the application and hearing from the Director General, by order, authorise the Director General—

(*a*) to enter, with such assistance, as may be required, the place or places where such information, books, papers, other documents or records are kept;

(*b*) to search that place or places in the manner specified in the order; and

(*c*) to seize information, books, papers, other documents or records as it considers necessary for the purpose of the investigation:

Provided that certified copies of the seized information, books, papers, other documents or records, as the case may be, may be provided to the party or person from whose place or places such documents have been seized at its cost.

(*11*) The Director General shall keep in his custody such information, books, papers, other documents or records seized under this section for such period not later than the conclusion of the investigation as it considers necessary and thereafter shall return the same to the party or person from whose custody or power they were seized and inform the Chief Metropolitan Magistrate, of such return:

Provided that the Director General may, before returning such information, books, papers, other documents or records take copies of, or extracts thereof or place identification marks on them or any part thereof.

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(*12*) Save as otherwise provided in this section, every search or seizure made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to search or seizure made under that Code."; 2 of 1974.

(*b*) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'*Explanation.*—For the purposes of this section,—

(*a*) "agent", in relation to any person, means any one acting or purporting to act for or on behalf of such person, and includes the bankers, and persons employed as auditors and legal advisors, by such person;

(*b*) "officers", in relation to any company or body corporate, includes any trustee for the debenture holders of such company or body corporate;

(*c*) any reference to officers and other employees or agents shall be construed as a reference to past as well as present officers and other employees or agents, as the case may be.'.

Amendment of section 42.

27. In section 42 of the principal Act,—

(*a*) in sub-section (*2*), for the words, figures and letters "sections 27, 28, 31, 32, 33, 42A and 43A of the Act, he shall be punishable with fine", the words, figures and letters "sections 6, 27, 28, 31, 32, 33, 42A, 43, 43A, 44 and 45 of the Act, he shall be liable to a penalty" shall be substituted;

(*b*) in sub-section (*3*), for the words, brackets and figure "pay the fine imposed under sub-section (*2*)", the words, brackets and figure "pay the penalty imposed under sub-section (*2*)" shall be substituted.

Amendment of section 42A.

28. In section 42A of the principal Act, for the words and figures "under sections 27", the words and figures "under sections 6, 27" shall be substituted.

Amendment of section 43.

29. In section 43 of the principal Act, for the words "shall be punishable with fine", the words "shall be liable to a penalty" shall be substituted.

Substitution of new section for section 43A.

30. For section 43A of the principal Act, the following section shall be substituted, namely:—

Power to impose penalty for non-furnishing of information on combination.

"43A. If any person or enterprise fails to give notice to the Commission under sub-section (*2*) or sub-section (*4*) of section 6 or contravenes sub-section (*2A*) of section 6 or submit information pursuant to an inquiry under sub-section (*1*) of section 20, the Commission may impose on such person or enterprise, a penalty which may extend to one per cent., of the total turnover or assets or the value of transaction referred to in clause (*d*) of section 5, whichever is higher, of such a combination:

Provided that in case any person or enterprise has given a notice under sub-section (*4*) of section 6 and such notice is found to be void *ab initio* under sub-section (*6*) of section 6, then a notice under sub-section (*2*) of section 6 may be given by the acquirer or parties to the combination, as may be applicable, within a period of thirty days of the order of the Commission under sub-section (*6*) of that section and no action under this section shall be taken by the Commission till the expiry of such period of thirty days.".

Amendment of section 44.

31. In section 44 of the principal Act, for the words "rupees one crore", the words "rupees five crore" shall be substituted.

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Amendment of section 45.

32. In section 45 of the principal Act,—

(*a*) in the marginal heading, for the word "offences", the word "contraventions" shall be substituted;

(*b*) in sub-section (*1*),—

(*i*) after the words "Without prejudice to the provisions of", the words, brackets and figures "sub-section (*6*) of section 6 and" shall be inserted;

(*ii*) for the words "punishable with fine", the words "liable to a penalty" shall be substituted.

Substitution of new section for section 46.

33. For section 46 of the principal Act, the following section shall be substituted, namely:—

Power to impose lesser penalty.

"46. (*1*) The Commission may, if it is satisfied that any producer, seller, distributor, trader or service provider included in any cartel, which is alleged to have violated section 3, has made a full and true disclosure in respect of the alleged violations and such disclosure is vital, impose upon such producer, seller, distributor, trader or service provider a lesser penalty as may be specified by regulations, than leviable under this Act or the rules or the regulations made under this Act:

Provided that lesser penalty shall not be imposed by the Commission in cases where the report of investigation directed under section 26 has been received before making of such disclosure:

Provided further that lesser penalty shall be imposed by the Commission only in respect of a producer, seller, distributor, trader or service provider included in the cartel, who has made the full, true and vital disclosures under this section:

Provided also that lesser penalty shall not be imposed by the Commission if the person making the disclosure does not continue to co-operate with the Commission till the completion of the proceedings before the Commission:

Provided also that the Commission may, if it is satisfied that such producer, seller, distributor, trader or service provider included in the cartel had in the course of proceedings,—

(*a*) not complied with the condition on which the lesser penalty was imposed by the Commission; or

(*b*) had given false evidence; or

(*c*) the disclosure made is not vital,

and thereupon such producer, seller, distributor, trader or service provider may be tried for the contravention with respect to which the lesser penalty was imposed and shall also be liable to the imposition of penalty to which such person has been liable, had lesser penalty not been imposed.

(*2*) The Commission may allow a producer, seller, distributor, trader or service provider included in the cartel, to withdraw its application for lesser penalty under this section, in such manner and within such time as may be specified by regulations.

(*3*) Notwithstanding anything contained in sub-section (*2*), the Director General and the Commission shall be entitled to use for the purposes of this Act, any evidence submitted by a producer, seller, distributor, trader or service provider in its application for lesser penalty, except its admission.

(*4*) Where during the course of the investigation, a producer, seller, distributor, trader or service provider who has disclosed a cartel under sub-section (*1*), makes a full, true and vital disclosure under sub-section (*1*) with respect to another cartel in which it is alleged to have violated section 3, which enables the Commission to form a *prima facie* opinion under sub-section (*1*) of section 26 that there exists another cartel, then the Commission may impose upon such producer, seller, distributor, trader or

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service provider a lesser penalty as may be specified by regulations, in respect of the cartel already being investigated, without prejudice to the producer, seller, distributor, trader or service provider obtaining lesser penalty under sub-section (*1*) regarding the newly disclosed cartel.".

Amendment of section 47.

34. In section 47 of the principal Act, after the word "penalties", the words "and recovery of legal costs by the Commission" shall be inserted.

Substitution of new sections for section 48.

35. For section 48 of the principal Act, the following sections shall be substituted, namely:—

Contravention by companies.

'48. (*1*) Where a person committing contravention of any of the provisions of this Act or of any rule, regulation, order made or direction issued thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be in contravention of this Act and unless otherwise provided in this Act, the Commission may impose such penalty on such persons, as it may deem fit which shall not be more than ten per cent. of the average of the income for the last three preceding financial years:

Provided that in case any agreement referred to in sub-section (*3*) of section 3 has been entered into by a cartel, the Commission may unless otherwise provided in this Act, impose upon such persons referred to in sub-section (*1*), a penalty of up to ten per cent. of the income for each year of the continuance of such agreement.

(*2*) Nothing contained in sub-section (*1*) shall render any such person liable to any penalty if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

(*3*) Notwithstanding anything contained in sub-section (*1*), where a contravention of any of the provisions of this Act or of any rule, regulation, order made or direction issued thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officers of the company, such director, manager, secretary or other officers shall also be deemed to be in contravention of the provisions of this Act and unless otherwise provided in this Act, the Commission may impose such penalty on such persons, as it may deem fit which shall not be more than ten per cent. of the average of the income for the last three preceding financial years:

Provided that in case any agreement referred to in sub-section (*3*) of section 3 has been entered into by a cartel, the Commission may, unless otherwise provided under this Act, impose upon such person a penalty as it may deem fit which shall not exceed ten per cent. of the income for each year of the continuance of such agreement.

Explanation.—For the purposes of this section,—

(*a*) "company" means a body corporate and includes a firm or other association of individuals;

(*b*) "director", in relation to a firm, means a partner in the firm;

(*c*) "income", in relation to a person, shall be determined in such manner as may be specified by regulations.

Settlement.

48A. (*1*) Any enterprise, against whom any inquiry has been initiated under sub-section (*1*) of section 26 for contravention of sub-section (*4*) of section 3 or section 4, may, for settlement of the proceeding initiated for the alleged contraventions, submit an application in writing to the Commission in such form and upon payment of such fee as may be specified by regulations.

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(*2*) An application under sub-section (*1*) may be submitted at any time after the receipt of the report of the Director General under sub-section (*4*) of section 26 but prior to such time before the passing of an order under section 27 or section 28 as may be specified by regulations.

(*3*) The Commission may, after taking into consideration the nature, gravity and impact of the contraventions, agree to the proposal for settlement, on payment of such amount by the applicant or on such other terms and manner of implementation of settlement and monitoring as may be specified by regulations.

(*4*) While considering the proposal for settlement, the Commission shall provide an opportunity to the party concerned, the Director General, or any other party to submit their objections and suggestions, if any.

(*5*) If the Commission is of the opinion that the settlement offered under sub-section (*1*) is not appropriate in the circumstances or if the Commission and the party concerned do not reach an agreement on the terms of the settlement within such time as may be specified by regulations, it shall, by order, reject the settlement application and proceed with its inquiry under section 26.

(*6*) The procedure for conducting the settlement proceedings under this section shall be such as may be specified by regulations.

(*7*) No appeal shall lie under section 53B against any order passed by the Commission under this section.

(*8*) All settlement amounts, realised under this Act shall be credited to the Consolidated Fund of India.

Commitment.

48B. (*1*) Any enterprise, against whom any inquiry has been initiated under sub-section (*1*) of section 26 for contravention of sub-section (*4*) of section 3 or section 4, as the case may be, may submit an application in writing to the Commission, in such form and on payment of such fee as may be specified by regulations, offering commitments in respect of the alleged contraventions stated in the Commission's order under sub-section (*1*) of section 26.

(*2*) An offer for commitments under sub-section (*1*) may be submitted at any time after an order under sub-section (*1*) of section 26 has been passed by the Commission but within such time prior to the receipt by the party of the report of the Director General under sub-section (*4*) of section 26 as may be specified by regulations.

(*3*) The Commission may, after taking into consideration the nature, gravity and impact of the alleged contraventions and effectiveness of the proposed commitments, accept the commitments offered on such terms and the manner of implementation and monitoring as may be specified by regulations.

(*4*) While considering the proposal for commitment, the Commission shall provide an opportunity to the party concerned, the Director General, or any other party to submit their objections and suggestions, if any.

(*5*) If the Commission is of the opinion that the commitment offered under sub-section (*1*) is not appropriate in the circumstances or if the Commission and the party concerned do not reach an agreement on the terms of the commitment, it shall pass an order rejecting the commitment application and proceed with its inquiry under section 26 of the Act.

(*6*) The procedure for commitments offered under this section shall be such as may be specified by regulations.

(*7*) No appeal shall lie under section 53B against any order passed by the Commission under this section.

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Revocation of the settlement or commitment order and penalty.

48C. If an applicant fails to comply with the order passed under section 48A or section 48B or it comes to the notice of the Commission that the applicant has not made full and true disclosure or there has been a material change in the facts, the order passed under section 48A or section 48B, as the case may be, shall stand revoked and withdrawn and such enterprise shall be liable to pay legal costs incurred by the Commission which may extend to rupees one crore and the Commission may restore or initiate the inquiry in respect of which the order under section 48A or section 48B was passed.'.

Amendment of section 49.

36. In section 49 of the principal Act, in sub-section (*3*), after the words "competition advocacy", the words "or culture" shall be inserted.

Amendment of section 51.

37. In section 51 of the principal Act, in sub-section (*1*), after clause (*d*), the following clause shall be inserted, namely:—

"(*e*) all sums received by the Commission from such other sources as may be decided upon by the Government.".

Amendment of section 53A.

38. In section 53A of the principal Act, in sub-section (*1*), in clause (*a*), for the words, brackets and figures "sub-sections (*2*) and (*6*) of section 26", the words, brackets, figures and letter "sub-section (*6*) of section 6, sub-sections (*2*), (*2A*), (*6*) and (*9*) of section 26" shall be substituted.

Amendment of section 53B.

39. In section 53B, in sub-section (*2*), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the Commission, shall be entertained by the Appellate Tribunal unless the appellant has deposited twenty-five per cent. of that amount in the manner as directed by the Appellate Tribunal.".

Amendment of section 53N.

40. In section 53N of the principal Act,—

(*a*) in sub-section (*1*), for the words, brackets, figures and letter "under sub-section (*2*) of section 53Q of the Act, and to pass an order for the recovery of compensation from any enterprise for any loss or damage shown to have been suffered, by the Central Government or a State Government or a local authority or any enterprise or any person as a result of any contravention of the provisions of Chapter II, having been committed by enterprise", the words, brackets, figures and letters "under sub-section (*2*) of section 53Q or the orders of the Supreme Court in an appeal against the findings of the Appellate Tribunal under section 53T or an order for settlement passed under section 48A, and to pass an order for the recovery of compensation from any enterprise for any loss or damage shown to have been suffered, by the Central Government or a State Government or a local authority or any enterprise or any person as a result of any contravention of the provisions of Chapter II, having been committed by enterprise or as a result of order of settlement passed by the Commission" shall be substituted;

(*b*) in sub-section (*2*), after the words "findings of the Commission", the words "or Appellate Tribunal or the Supreme Court, or an order for settlement" shall be inserted;

(*c*) in the *Explanation*,—

(*i*) in clause (*a*), after the words, brackets, figures and letter "sub-section (*1*) of section 53A", the words, figures and letter "or the Supreme Court on appeal under section 53T" shall be inserted;

(*ii*) in clause (*b*), after the words "or the Appellate Tribunal", the words "or the Supreme Court," shall be inserted.

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Amendment of section 53Q.

41. In section 53Q of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Without prejudice to the provisions of this Act, if any person contravenes, without any reasonable ground, any order of the Appellate Tribunal, he shall be liable for contempt proceeding under section 53U.".

Insertion of new section 59A.

42. After section 59 of the principal Act, the following section shall be inserted, namely:—

Compounding of certain offences.

2 of 1974.

"59A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only or imprisonment and also with fine, may either before or after the institution of any proceeding, be compounded by the Appellate Tribunal or a court before which such proceeding is pending.".

Amendment of section 63.

43. In section 63 of the principal Act, in sub-section (*2*),—

(*i*) clause (*a*) shall be re-lettered as clause (*ae*) thereof, and before clause (*ae*) as so re-lettered, the following clauses shall be inserted, namely:—

"(*a*) the value of the assets or turnover of the enterprise acquired, taken control of, merged or amalgamated in India under clause (*e*) of section 5;

(*ab*) the percentage of voting rights higher than twenty-six per cent. under sub-clause (*i*) of clause (*b*) of the *Explanation* to section 5;

(*ac*) the criteria of combinations under sub-section (*4*) of section 6;

(*ad*) the criteria under sub-section (*7*) of section 6;";

(*ii*) after clause (*mf*), the following clause shall be inserted, namely:—

"(*mg*) the form of the publication of guidelines under sub-section (*5*) of section 64B;".

Amendment of section 64.

44. In section 64 of the principal Act, in sub-section (*2*),—

(*i*) for clause (*c*), the following clauses shall be substituted, namely:—

"(*c*) the manner of determination of substantial business operations in India under clause (*d*) of section 5;

(*ca*) the form and fee for notice for combination under sub-section (*4*) of section 6;

(*cb*) the time and manner for filing notice of acquisition under clause (*a*) of section 6A;

(*cc*) the manner and circumstance in which the acquirer may exercise the ownership or beneficial right or interest in shares or convertible securities including voting right and receipt of dividends or any other distributions as an exception under clause (*b*) of section 6A;";

(*ii*) after clause (*f*), the following clauses shall be inserted, namely:—

"(*fa*) other details to be indicated in the show-cause notice under sub-section (*9*) of section 26;

(*fb*) the manner of determining turnover or income under the *Explanation* to clause (*b*) of section 27;

(*fc*) the manner in which modification may be proposed by parties to the combination to the Commission under sub-section (*2*) of section 29A;";

(*iii*) after clause (*g*), the following clauses shall be inserted, namely:—

"(*ga*) the lesser penalty to be imposed on producer, seller, distributor, trader or service provider under sub-section (*1*) of section 46;

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(*gb*) the manner and time for withdrawal of application for lesser penalty under sub-section (*2*) of section 46;

(*gc*) the lesser penalty to be imposed on producer, seller, distributor, trader or service provider under sub-section (*4*) of section 46;

(*gd*) the manner of determining income under clause (*c*) of *Explanation* to section 48;

(*ge*) the form of application and fee under sub-section (*1*), the time under sub-section (*2*), the terms and manner of implementations and monitoring under sub-section (*3*) and the procedure for conducting settlement proceedings under sub-section (*6*) of section 48A;

(*gf*) the form of application and fee under sub-section (*1*), the time under sub-section (*2*), the terms and manner of implementations and monitoring under sub-section (*3*) and the procedure for commitments offered under sub-section (*6*) of section 48B;

(*gg*) the other details to be published along with draft regulations and the period for inviting public comments under clause (*a*) of section 64A;".

Insertion of new sections 64A and 64B.

45. After section 64 of the principal Act, the following sections shall be inserted, namely:—

Process of issuing regulations.

"64A. The Commission shall ensure transparency while making regulations under section 64, by—

(*a*) publishing draft regulations along with such other details as may be specified on its website and inviting public comments for a specified period prior to issuing regulations;

(*b*) publishing a general statement of its response to the public comments, not later than the date of notification of the regulations;

(*c*) periodically reviewing such regulations:

Provided that if the Commission is of the opinion that certain regulations are required to be made or existing regulations are required to be amended urgently in public interest or the subject matter of the regulation relates solely to the internal functioning of the Commission, it may make regulations or amend the existing regulations, as the case may be, without following the provisions stated in this section recording the reason, for doing so.

Commission to issue guidelines.

64B. (*1*) The Commission may publish guidelines on the provisions of this Act or the rules and regulations made thereunder either on a request made by a person or on its own motion.

(*2*) Guidelines issued under sub-section (*1*) shall not be construed as determination of any question of fact or law by the Commission, its Members or officers and shall not be binding on the Commission, its Members or officers.

(*3*) Without prejudice to anything contained in sub-section (*1*), the Commission shall publish guidelines as to the appropriate amount of any penalty for any contravention of provision of this Act.

(*4*) While imposing penalty under clause (*b*) of section 27 or under section 43A or section 48 for any contravention of provision of this Act, the Commission shall consider the guidelines under sub-section (*3*) and provide reasons in case of any divergence from such guidelines.

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(*5*) The guidelines under sub-sections (*1*) and (*3*) shall be published in such form as may be prescribed.".

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. PBN-2/38/2026-LAW. *Dated, Thiruvananthapuram, 16th June 2026.*

The following Acts of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated the 3rd day of August, 2023 is hereby republished for general information. The Bills as passed by the Houses of Parliament received the assent of the President of India on the 3rd day of August, 2023.

By order of the Governor,

K. G. SANAL KUMAR,
Law Secretary.

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THE BIOLOGICAL DIVERSITY (AMENDMENT) ACT, 2023

No. 10 of 2023

[3*rd August*, 2023.]

An Act further to amend the Biological Diversity Act, 2002.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Biological Diversity (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

18 of 2003.

Amendment of preamble.

2. In the Biological Diversity Act, 2002 (hereinafter referred to as the principal Act), in the preamble,—

(*a*) for the word "party", the word "Party" shall be substituted;

(*b*) for the words beginning with "AND WHEREAS it is considered necessary", and ending with "give effect to the said Convention", the following shall be substituted, namely:—

"AND WHEREAS India is a Party to the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation to the convention on Biological Diversity which was adopted on the 29th October, 2010 in Nagoya, Japan;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilisation, fair and equitable sharing of the benefits arising out of utilisation of biological resources and also to give effect to the said Convention.".

Amendment of section 2.

3. In section 2 of the principal Act,—

(*i*) for clause (*a*), the following clauses shall be substituted, namely:—

'(a) "access" means collecting, procuring or possessing any biological resource occurring in or obtained from India or traditional knowledge associated thereto, for the purposes of research or bio-survey or commercial utilisation;

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(*aa*) "benefit claimers" means the conservers of biological resources, their by-products, creators or holders of traditional knowledge associated thereto (excluding codified traditional knowledge only for Indians) and information relating to the use of such biological resources, innovations and practices associated with such use and application;';

(*ii*) in clause (*b*), after the words "biological diversity", the words 'or "biodiversity" ' shall be inserted;

(*iii*) for clause (*c*), the following clause shall be substituted, namely:—

'(*c*) "biological resources" include plants, animals, micro-organisms or parts of their genetic material and derivatives (excluding value added products), with actual or potential use or value for humanity, but does not include human genetic material;';

(*iv*) after clause (*e*), the following clause shall be inserted, namely:—

'(*ea*) "codified traditional knowledge" means the knowledge derived from authoritative books specified in the First Schedule to the Drugs and Cosmetics Act, 1940;'; 23 of 1940.

(*v*) after clause (*f*), the following clause shall be inserted, namely:—

'(*fa*) "derivative" means a naturally occurring biochemical compound or metabolism of biological resources, even if it does not contain functional units of heredity;';

(*vi*) after clause (*g*), the following clauses shall be inserted, namely:—

'(*ga*) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;

(*gb*) "India" means the territory of India as referred to in Article 1 of the Constitution, its territorial waters, seabed and sub-soil underlying such waters, continental shelf, exclusive economic zone or any other maritime zone as refferred to in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, and the air space above its territory; 80 of 1976.

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(*gc*) "landrace" means primitive cultivar that was grown by ancient farmers and their successors;';

(*vii*) after clause (*i*), the following clause shall be inserted, namely:—

'(*ia*) "Member-Secretary" means the full time Secretary of the National Biodiversity Authority, or of the State Biodiversity Board, as the case may be;'.

Amendment of heading of Chapter II.

4. In Chapter II of the principal Act, in the Chapter heading, for the word "DIVERSITY", the word "RESOURCES" shall be substituted.

Amendment of section 3.

5. In section 3 of the principal Act, in sub-section (*2*), in clause (*c*), for sub-clause (*ii*), the following sub-clause shall be substituted, namely:—

"(*ii*) incorporated or registered in India under any law for the time being in force, which is controlled by a foreigner within the meaning of clause (*27*) of section 2 of the Companies Act, 2013.".

18 of 2013.

Amendment of section 4.

6. For section 4 of the principal Act, the following section shall be substituted, namely:—

Results of research not to be transferred to certain persons without approval of National Biodiversity Authority.

"4. No person or entity shall share or transfer any result of the research on any biological resource occurring in, or obtained or accessed from, India or traditional knowledge associated thereto, for monetary consideration or otherwise, to a person or body corporate referred to in sub-section (*2*) of section 3, without the prior written approval of the National Biodiversity Authority, except the codified traditional knowledge which is only for Indians:

Provided that the provisions of this section shall not apply if publication of research papers or dissemination of knowledge in any seminar or workshop involving financial benefit is as per the guidelines issued by the Central Government:

Provided further that where the results of research are used for further research, then, the registration with the National Biodiversity Authority shall be necessary:

Provided also that if the results of research are used for commercial utilisation or for obtaining any intellectual property rights, within or outside India, prior approval of the National Biodiversity Authority shall be required to be taken in accordance with the provisions of this Act.".

Amendment of section 5.

7. In section 5 of the principal Act,—

(*i*) in the marginal heading, for the words and figures "Sections 3 and 4", the words "Certain provisions" shall be substituted;

(*ii*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The provisions of section 3 shall not apply to collaborative research projects involving transfer or exchange of biological resource or traditional knowledge associated thereto between institutions, including Government sponsored institutions of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (*3*).".

Amendment of section 6.

8. In section 6 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-sections shall be substituted, namely:—

"(*1*) Any person or entity covered under sub-section (*2*) of section 3 applying for an intellectual property right, by whatever name called, in or outside

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India, for any invention based on any research or information on a biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall obtain prior approval of the National Biodiversity Authority before grant of such intellectual property rights.

(*1A*) Any person covered under section 7 applying for any intellectual property right, by whatever name called, in or outside India, for any invention based on any research or information on a biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall register with the National Biodiversity Authority before grant of such intellectual property rights.

(*1B*) Any person covered under section 7 who has obtained intellectual property right, by whatever name called, in or outside India, for any invention based on any research or information on a biological resource which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto, shall obtain prior approval of the National Biodivesity Authority at the time of commercialisation.".

(*b*) in sub-section (*3*), the words "enacted by the Parliament" shall be omitted.

Substitution of new section for section 7.

9. For section 7 of the principal Act, the following section shall be substituted, namely:—

Prior intimation to State Biodiversity Board for accessing biological resource for certain purposes.

"7. (*1*) No person, other than the person covered under sub-section (*2*) of section 3, shall access any biological resource and its associated knowledge for commercial utilisation, without giving prior intimation to the concerned State Biodiversity Board, but such access shall be subject to the provisions of clause (*b*) of section 23 and sub-section (*2*) of section 24:

Provided that the provisions of this section shall not apply to the codified traditional knowledge, cultivated medicinal plants and its products, local people and communities of the area, including growers and cultivators of biodiversity and to *vaids, hakims* and registered AYUSH practitioners only who have been practicing indigenous medicines, including Indian systems of medicine as profession for sustenance and livelihood.

(*2*) In the case of cultivated medicinal plants, the exemption under sub-section (*1*) shall be available only if a certificate of origin is obtained from the Biodiversity Management Committee in such manner as may be prescribed.

(*3*) The Biodiversity Management Committee shall, on the basis of entries made in such books, maintained in such manner, issue the certificate of origin under sub-section (*2*) in such manner as may be prescribed.".

Amendment of section 8.

10. In section 8 of the principal Act,—

(*a*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The Head office of the National Biodiversity Authority shall be at Chennai and the Central Government may, by notification in the Official Gazette, establish regional offices in other places in India.";

(*b*) in sub-section (*4*),—

(*i*) for clauses (*a*), (*b*) and (*c*), the following clauses shall be substituted, namely:—

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"(*a*) a Chairperson, who shall be an eminent person having adequate knowledge, expertise and experience in the conservation and sustainable use of biological diversity and in matters relating to fair and equitable sharing of benefits, to be appointed by the Central Government;

(*b*) sixteen *ex officio* members to be appointed by the Central Government, representing the Ministries dealing with—

(*i*) Agricultural Research and Education;

(*ii*) Agriculture and Farmers Welfare;

(*iii*) Ayurveda, Unani, Siddha, Sowa Rigpa, Yoga and Naturopathy and Homoeopathy;

(*iv*) Biotechnology;

(*v*) Environment and Climate Change;

(*vi*) Forests and Wildlife;

(*vii*) Indian Council of Forestry Research and Education;

(*viii*) Earth Sciences;

(*ix*) Pachayati Raj;

(*x*) Science and Technology;

(*xi*) Scientific and Industrial Research;

(*xii*) Tribal Affairs;

(*c*) four representatives from State Biodiversity Boards on rotational basis;";

(*ii*) in clause (*d*),—

(*A*) for the word "specialists", the words "experts including legal experts" shall be substituted;

(*B*) for the word "equitable", the words "fair and equitable" shall be substituted;

(*iii*) after clause (*d*), the following clause shall be inserted, namely:—

"(*e*) a Member-Secretary, who shall have experience in matters relating to biodiversity conservation, to be appointed by the Central Government.".

Amendment of section 9.

11. In section 9 of the principal Act,—

(*a*) in the marginal heading, for the words "Chairperson and members", the words "Chairperson, members and Member-Secretary" shall be substituted;

(*b*) after the words "National Biodiversity Authority", the words "and of Member-Secretary" shall be inserted.

Insertion of new section 10A.

12. After section 10 of the principal Act, the following section shall be inserted, namely:—

Member-Secretary.

"10A. (*1*) The Member-Secretary shall be the chief coordinating officer and the convener of the National Biodiversity Authority and shall assist that Authority in the discharge of its functions under this Act.

(*2*) The Member-Secretary shall perform such other functions as may be prescribed.".

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Amendment of section 13.

13. In section 13 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The National Biodiversity Authority may also constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.".

Amendment of section 15.

14. In section 15 of the principal Act,—

(*i*) after the words "signature of the Chairperson", the words "or Member-Secretary" shall be inserted;

(*ii*) for the words "signature of an officer", the words "signature of Member-Secretary or an officer" shall be substituted.

Amendment of section 16.

15. In section 16 of the principal Act, after the words "delegate to any member", the words "or Member-Secretary" shall be inserted.

Amendment of section 18.

16. In section 18 of the principal Act,—

(*a*) for sub-sections (*1*) and (*2*), the following sub-sections shall be substituted, namely:—

"(*1*) The National Biodiversity Authority shall, with the approval of the Central Government, make regulations to provide for access to biological resources and traditional knowledge associated thereto, and for determination of fair and equitable sharing of benefits.

(*2*) It shall be the duty of the National Biodiversity Authority to regulate any activity referred to in sections 3, 4 and 6 by granting or rejecting approvals.";

(*b*) in sub-section (*3*),—

(*i*) in clause (*a*), for the word "equitable", the words "fair and equitable" shall be substituted;

(*ii*) in clause (*b*), for the words "heritage sites", the words "biodiversity heritage sites" shall be substituted;

(*iii*) after clause (*b*), the following clause shall be inserted, namely:—

"(*ba*) advise the State Biodiversity Boards on any matter relating to the implementation of the Act;";

(*c*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource which is found in or brought from India, including those deposited in repositories outside India, or traditional knowledge associated thereto accessed.".

Amendment of section 19.

17. In section 19 of the principal Act,—

(*a*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*2*) Any person referred to in sub-section (*2*) of section 3 who intends to apply for a patent or any other form of intellectual property rights, whether in India or outside India, referred to in sub-section (*1*) of section 6, may make an application to the National Biodiversity Authority in such form, on payment of such fee, and in such manner, as may be prescribed.

(*2A*) Any person referred to in sub-section (*1A*) of section 6 shall register with the National Biodiversity Authority at the time of making application under sub-section (*2*), and persons referred to in sub-section (*1B*) of section 6 shall obtain prior approval from the National Biodiversity Authority at the time of commercialisation.";

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(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*3A*) The National Biodiversity Authority shall, while granting approval under this section, determine the benefit sharing in such manner as may be specified by regulations made in this behalf:

Provided that if the National Biodiversity Authority is of the opinion that such an activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or fair and equitable sharing of benefits arising out of such activity, it may, by order, for reasons to be recorded in writing, prohibit or restrict any such activity:

Provided further that no such order for rejection shall be made without giving an opportunity of being heard to the person concerned.";

(*c*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The National Biodiversity Authority shall place in public domain details of every approval granted or rejected under this section.".

18. In section 20 of the principal Act,— Amendment of section 20.

(*i*) in the marginal heading, for the words "biological resource or knowledge", the words "results of research" shall be substituted;

(*ii*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Any person or entity who intends to transfer the results of any research on biological resources, which are found in or brought from India, including those deposited in repositories outside India or traditional knowledge associated thereto, to persons referred to under sub-section (*2*) of section 3 for monetary consideration or otherwise, he shall make an application to the National Biodiversity Authority in such form, and on payment of such fee, as may be prescribed.";

(*iii*) in sub-section (*2*), for the words "any biological resource or knowledge associated thereto", the words "the results of research" shall be substituted;

(*iv*) for sub-sections (*3*) and (*4*), the following sub-sections shall be substituted, namely:—

"(*3*) On receipt of an application under sub-section (*2*), the National Biodiversity Authority may, after making such enquiries, as it deems fit, by order, grant approval, subject to such terms and conditions, as it may deem fit, including benefit sharing or otherwise, as per the guidelines or for reasons to be recorded in writing, or reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person concerned.

(*4*) The National Biodiversity Authority shall place in public domain the details of every approval granted or rejected under this section.".

19. In section 21 of the principal Act,— Amendment of section 21.

(*a*) in the marginal heading, for the word "equitable", the words "fair and equitable" shall be substituted;

(*b*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The National Biodiversity Authority shall, while determining benefit sharing for the approval granted under this Act, ensure that the terms and conditions subject to which the approval is granted secures fair and equitable sharing of benefits arising out of the use of accessed biological resources, their derivatives, innovations and practices associated with their use and applications

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and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, and the Biodiversity Management Commitee represented by the National Biodiversity Authority.".

(*c*) in sub-section (*3*), for the proviso, the following proviso shall be substituted, namely:—

"Provided that where biological resource or associated knowledge was a result of access from an individual or group of individuals or organisations, the National Biodiversity Authority may direct that the amount shall be paid directly to such benefit claimer or organisation in accordance with the terms of any agreement and in such manner as it deems fit.".

Amendment of section 22.

20. In section 22 of the principal Act,—

(*i*) in sub-section (*2*), in the proviso, after the words " group of persons", the words "or body" shall be inserted;

(*ii*) in sub-section (*4*), for clauses (*a*), (*b*) and (*c*), the following clauses shall be substituted, namely:—

"(*a*) a Chairperson, who shall be an eminent person having adequate knowledge, expertise and experience in the conservation and sustainable use of biological diversity and in matters relating to fair and equitable sharing of benefits, to be appointed by the State Government;

(*b*) not more than seven *ex officio* members to be appointed by the State Government to represent the concerned departments of the State Government, including departments dealing Panchayati Raj and tribal affiairs;

(*c*) not more than five non-official members to be appointed from amongst experts, including legal experts, scientists having special knowledge, expertise and work experience in matters relating to conservation of biological diversity, sustainable use of biological resources and fair and equitable sharing of benefits arising out of the use of biological resources.".

Amendment of section 23.

21. In section 23 of the principal Act, for clauses (*a*) and (*b*), the following clauses shall be substituted, namely:—

"(*a*) advise the State Government on matters relating to the conservation of biodiversity, sustainble use of its components and fair and equitable sharing of benefits arising out of the utilisation of biological resources or traditional knowledge associated thereto, in conformity with the regulations or guidelines if any, issued by the Central Government or the National Biodiversity Authority;

(*b*) regulate any activity referred to in section 7 by granting or rejecting approvals;

(*ba*) determine the fair and equitable sharing of benefits as provided under the regulations made in this behalf by the National Biodiversity Authority while granting approvals;".

Amendment of section 24.

22. In section 24 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Any person other than the person referred to in sub-section (*2*) of section 3, intending to undertake any activity covered under section 7, shall give prior intimation to the State Biodiversity Board, in such form as may be prescribed by the State Government.";

(*b*) for sub-sections (*2*) and (*3*), the following sub-sections shall be substituted, namely:—

"(*2*) If the State Biodiversity Board is of the opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of

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biodiversity of fair and equitable sharing of benefits arising out of such activity, it may by order, restrict or reject such activity:

Provided that no such order or rejection shall be made without giving an opportunity of being heard to the person concerned.

(*3*) The State Biodiversity Board shall place in public domain the details of every approval granted or rejected under this section.".

Amendment of section 27.

23. In section 27 of the principal Act,—

(*i*) in sub-section (*1*), for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) all sums including charges and benefit sharing amount received by the National Biodiversity Authority;";

(*ii*) in sub-section (*2*),—

(*A*) in the opening portion, for the word "applied", the word "utilised" shall be substituted;

(*B*) for clauses (*b*) and (*c*), the following clauses shall be substituted, namely:—

"(*b*) conservation, promotion and sustainable use of biological resources;

(*c*) socio-economic development of areas from where such biological resources or traditional knowledge associated thereto have been accessed in consultation with the Biodiversity Management Committee:

Provided that when it is not possible to identify the area from where the biological resources or traditional knowledge associated thereto have been accessed, the fund shall be utilised for socio-economic development of the area where such biological resources occur;

(*d*) activities to meet the purposes of the Act.".

Amendment of section 32.

24. In section 32 of the principal Act,—

(*i*) in sub-section (*1*), for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) all sums including charges and benefit sharing amount received by the State Biodiversity Board and from such other sources as may be decided by the State Government;";

(*ii*) in sub-section (*2*),—

(*A*) in the opening portion, for the word "applied", the word "utilised" shall be substituted;

(*B*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) channelling benefits to the benefit claimers;";

(*C*) for clause (*c*) the following clause shall be substituted, namely:—

"(*c*) conservation, promotion and sustainable use of biological resources;";

(*D*) for clause (*d*), the following clause shall be substituted, namely:—

"(*d*) socio-economic development of areas from where such biological resources or traditional knowledge associated thereto have been accessed in consultation with the Biodiversity Management Committee or local body concerned:

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Provided that when it is not possible to identify the area from where the biological resources or associated knowledge have been accessed, the fund shall be utilised for socio-economic development of the area where such biological resources occur;";

(*E*) for clause (*e*), the following clauses shall be substituted, namely:—

"(*e*) making grants or loans to the Biodiversity Management Committees;

(*f*) the activities to meet the purposes of the Act.".

Amendment of section 36.

25. In section 36 of the principal Act,—

(*i*) for the marginal heading, the following shall be substituted, namely:—

"Central Government to develop national strategies and plans for conservation, promotion and sustainable use of biological diversity.";

(*ii*) in sub-section (*1*),—

(*a*) after the words "The Central Government shall", the words "in consultation with the State Government and Union territories", shall be inserted;

(*b*) for the words "conservation of biological resources, incentives", the words "conservation of biological resources, including cultivars, folk varieties and landraces, incentives" shall be substituted;

(*iii*) in sub-section (*3*), for the words "sectoral or cross-sectoral plans, programmes and policies", the words "sectoral policies or cross-sectoral plans and programmes" shall be substituted;

(*iv*) after sub-section (*5*) and before the *Explanation,* the following sub-section shall be inserted, namely:—

"(*6*) The Central Government shall involve the National Biodiversity Authority or State Biodiversity Boards to undertake measures for conservation and sustainable use of biological diversity or traditional knowledge associated thereto.".

Insertion of new sections 36A and 36B.

26. After section 36 of the principal Act, the following sections shall be inserted, namely:—

Measures to be taken by National Biodiversity Authority.

"36A. The Central Government may authorise National Biodiversity Authority or any other organisation to take any measure necessary to monitor and regulate within the territory of India, the access and utilisation of biological resources obtained from a foreign country in order to meet the international obligations to which India is a signatory.

State Government to develop strategies and plans for conservation and sustainable use of biological diversity.

"36B. (*1*) The State Government shall develop strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity, including measures for indentification and monitoring of areas rich in biological resources, promotion of *in situ,* and *ex situ,* conservation of biological resources, including cultivars, folk varieties and landraces, incentives for research, training and public education to increase awareness with respect to biodiversity, in conformity with the national strategies, plans and programmes.

(*2*) The State Government shall, as far as practicable, wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral policies or cross-sectoral plans and programmes.".

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27. In section 37 of the principal Act,— Amendment of section 37.

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Without prejudice to any other law for the time being in force, based on the recommendations of the State Biodiversity Board, the State Government may, from time to time, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act:

Provided that the State Biodiversity Board shall consult the local body and the Biodiversity Management Committee concerned before making such recommendations.";

(*b*) in sub-section (*2*), for the words "heritage sites", the words "biodiversity heritage sites" shall be substituted.

28. In section 38 of the principal Act, the following provisos shall be inserted, namely:— Amendment of section 38.

"Provided that the Central Government may delegate such power to the State Government:

Provided further that where such power is delegated to the State Government, it shall consult the National Biodiversity Authority before issuing any such notification.".

29. For section 40 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 40.

"40. Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall not apply to biological resources when normally traded as commodities or to the items derived from them, including agricultural wastes, as notified and cultivated medicinal plants and their products for entities covered under section 7, registered as per the regulations made or as prescribed: Provisions of this Act not to apply in certain cases.

Provided that no exemption shall be made for the activities referred to in sub-sections (*1*) and (*2*) of section 6.".

30. In section 41 of the principal Act,— Amendment of section 41.

(*a*) for sub-section (*1*), the followings sub-sections shall be substituted, namely:—

"(*1*) Every local body at the Gram Panchayat level in the rural areas and at the Nagar Panchayat or Municipal Committee at Municipal Corporation level in the urban areas shall constitute a Biodiversity Management Committee (by whatever name called) within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of landraces, folk varieties, farmers' varieties, and cultivars, domesticated stocks and breeds of animals, living things in water bodies and microorganisms and chronicling of knowledge relating to biological diversity:

Provided that the State Government may constitute Biodiversity Management Committees at the intermediate or district Panchayat level for achieving the objectives of the Act.

(*1A*) The functions of Biodiversity Management Committee so constituted shall include conservation, sustainable use and documentation of biological diversity, including conservation of habitats, landraces, folk varieties, cultivars, domesticated breeds of animals, and microorganisms, and chronicling of traditional knowledge associated thereto relating to biological diversity.

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(*1B*) The composition of the Biodiversity Management Committee shall be such as may be prescribed by the State Government:

Provided that the number of members of the said Committee shall not be less than seven and not exceeding eleven.";

(*b*) in sub-section (*2*), for the words " and knowledge associated with such resources", the words "or traditional knowledge associated thereto" shall be substituted;

(*c*) the following *Explanation* shall be inserted, namely:—

'*Explanation.*—For the purposes of this section—

(*a*) "cultivar" means a veriety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;

(*b*) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;

(*c*) "landrace" means primitive cultivar that was grown by ancient farmers and their successors;

(*d*) "farmers' variety" means a veriety which—

(*i*) has been traditionally cultivated and evolved by the farmers in their field; or

(*ii*) is a wild relative or landrace of a veriety about which the farmers possess the common knowledge.'.

Amendment of section 43.

31. In section 43 of the principal Act, in sub-section (*1*), for clause (*e*), the following clause shall be substituted, namely:—

"(*e*) benefit sharing amount and all other sums received by the Local Biodiversity Fund from such other sources as may be decided by the State Government.".

Substitution of new section for section 44.

32. For section 44 of the principal Act, the following section shall be substiututed, namely:—

Application of Local Biodiversity Fund.

"44. (*1*) The Local Biodiversity Fund shall be utilised in accordance with the regulations and the guidelines made in this behalf, for—

(*a*) the conservation and promotion of biodiversity including restoration of areas falling within the jurisdiction of concerned local body;

(*b*) the socio-economic development of the community without compromising the conservation concerns; and

(*c*) the administrative expenses of the Biodiversity Management Committee.

(*2*) The Fund shall be utilised in such manner as may be prescribed by the State Government.".

Substitution of new section for section 45.

33. For section 45 of the principal Act, the following section shall be substituted, namely:—

Annual statement of Biodiversity Management Committees.

"45. The custodian of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time as may be prescribed by the State Government, its annual statement giving a full account of its activities during the previous financial year, and submit the same to the local body concerned with a copy to the State Biodiversity Board.".

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34. For section 46 of the prinicpal Act, the following section shall be substituted, namely:— Substitution of new section for section 46.

"46. (*1*) The Biodiversity Management Committee shall maintain the accounts which shall be audited in such manner as may be prescribed by the State Government. Audit of accounts of Biodiversity Management Committees.

(*2*) The Biodiversity Management Committee shall furnish to the local body concerned and to the State Biodiversity Board, before such date as may be prescribed by the State Government, its audited copy of accounts together with auditor's report thereon.".

35. In section 50 of the principal Act, in the marginal heading, the words "between the State Biodiversity Board" shall be omitted. Amendment of section 50.

36. In section 52 of the principl Act, in sub-section (*1*), for the words "benefit sharing or order", the words "fair and equitable sharing of benefits or order or direction" shall be substituted. Amendment of section 52.

37. In section 53 of the principal Act,— Amendment of section 53.

(*i*) for the words "benefit sharing", the words "fair and equitable sharing of benefits" shall be substituted;

(*ii*) after the words "order made by the High Court", the words "or the National Green Tribunal" shall be inserted;

(*iii*) after the words "Registrar of the High Court", the words "or the Registrar of the National Green Tribunal" shall be inserted;

(*iv*) in the *Explanation,* after the words "group of persons", wherever they occur, the words "or body" shall be substituted.

38. For section 55 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections 55, 55A and 55B for section 55.

"55. If any person or entity covered under sub-section (*2*) of section 3 or section 7 contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 or section 7, such person shall be liable to pay penalty which shall not be less than one lakh rupees, but which may extend to fifty lakh rupees, but where the damage caused exceeds the amount of penalty, such penalty shall be commensurate with the damage caused, and in case, the failure or contravention continues, an additional penalty may be imposed, which shall not exceed one crore rupees and such penalty shall be decided by the adjudicating officer appointed under section 55A. Penalties.

55A. (*1*) For the purposes of determining the penalities under section 55, the Central Government may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold inquiry in the prescribed manner and to impose the penalty so determined: Adjudication of penalties.

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(*2*) While holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry

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and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of section 3 or section 4 or section 6 or section 7, he may impose such penalty as he thinks fit in accordance the provisions of section 55:

Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.

(*3*) Any person aggrieved by the order made by the adjudicating officer under sub-section (*2*) may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010. 19 of 2010.

(*4*) Every appeal under sub-section (*3*) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(*5*) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

Power to enter, inspect, survey, etc.

55B. Any authority or officer empowered by the Central Government may, for the purposes of carrying out inspection, survey or any such activity, have all or any of the following powers, namely:—

(*a*) the power to enter upon any land, vehicle, or premises and to inspect, investigate, survey and collect information and make a map of the same and seize the materials and records;

(*b*) the powers of a civil court to compel the attendance of anyone, including witnesses and production of documents and materials objects;

(*c*) the power to issue a search-warrant;

(*d*) the power to hold an inquiry and in the course of such inquiry, receive and record evidence;

(*e*) such other power as may be prescribed.".

Omission of section 58.

39. Section 58 of the principal Act shall be omitted.

Insertion of new section 59A.

40. After section 59 of the principal Act, the following section shall be inserted, namely:—

Act not to apply to certain persons.

"59A. The provision of this Act shall not apply to any person who has been given any approval or granted any right under any law relating to protection of plant varieties enacted by Parliament to the extent that such approvals or rights given under that Act does not require similar approval under this Act.".

Amendment of section 61.

41. In section 61 of the principal Act,—

(*a*) in the opening portion, for the word "complaint", the words "written complaint" shall be substituted;

(*b*) in clause (*b*), for the words "any benefit claimer", the words "any person or a benefit claimer" shall be substituted.

Amendment of section 62.

42. In section 62 of the principal Act, in sub-section (*2*),—

(*i*) for clause (*a*), the following clauses shall be substituted, namely:—

"(*a*) the manner of obtaining the certificate of origin under sub-section (*2*) of section 7;

(*aa*) the books on the basis of which the certificate of origin to be issued, the manner of maintaining such books and the manner of issuing such certificate under sub-section (*3*) of section 7;

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(*ab*) the terms and conditions of service of the Chairperson, Member-Secretary and other members under section 9;";

(*ii*) after clause (*b),* the following clause shall be inserted namely:—

"(*ba*) the other functions to be performed by the Member-Secretary;";

(*iii*) in clause (*e*), after the word "application", the word "and payment of fees" shall be inserted;

(*iv*) after clause (*e*), the following clause shall be inserted, namely:—

"(*ea*) form of application and payment of fees under sub-section (*1*) of section 20;";

(*v*) after clause (*j*), the following clauses shall be inserted, namely:—

"(*ja*) the manner of holding inquiry by the adjudicating officer under section 55A;

(*jb*) the other power under clause (*e*) of section 55B;".

Amendment of section 63.

43. In section 63 of the principal Act, in sub-section (*2*),—

(*i*) after clause (*e*), the following clause shall be inserted, namely:—

"(*ea*) the composition of the Biodiversity Management Committee under sub-section (*1B*) of section 41;";

(*ii)* in clause (*f*), for the word "applied", the word "utilised" shall be substituted;

(*iii*) in clause (*g*), for the words "annual report", the words "annual statement" shall be substituted.

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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THE MULTI-STATE CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2023

No. 11 OF 2023

[3*rd August*, 2023.]

An Act further to amend the Multi-State Co-operative Societies Act, 2002.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Multi-State Co-operative Societies (Amendment) Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment of section 3.

39 of 2002.

2. In section 3 of the Multi-State Co-operative Societies Act, 2002 (hereinafter referred to as the principal Act),—

(*i*) after clause (*a*), the following clause shall be inserted, namely:—

'(*aa*) "Authority" means the Co-operative Election Authority established under sub-section (*1*) of section 45;';

(*ii*) in clause (*d*), for the words, brackets and figures "under sub-section (*1*) of section 4", the words, brackets, letters and figures "as per clause (*f*) of article 243ZH of the Constitution read with sub-section (*1*) of section 4" shall be substituted;

(*iii*) after clause (*f*), the following clause shall be inserted, namely:—

'(*fa*) "Co-operative Ombudsman" means the Ombudsman appointed by the Central Government under section 85A;';

(*iv*) clause (*i*), shall be omitted;

(*v*) after clause (*k*), the following clause shall be inserted, namely:—

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'(*ka*) "financial year", in relation to any multi-State co-operative society or class of such societies, means the year ending on the 31st day of March of the year and where the accounts of such society or class of such societies are, with the previous sanction of the Central Registrar, balanced on any other day, the year ending on such day;';

(*vi*) in clause (*s*), after the words "Official Gazette", the words "and the expression 'notified' with its cognate meanings and grammatical variations shall be construed accordingly" shall be inserted.

Amendment of section 7.

3. In section 7 of the principal Act, for sub-sections (*2*) and (*3*), the following sub-sections shall be substituted, namely:—

"(*2*) Without prejudice to the provisions of sub-section (*1*), the Central Registrar may register a multi-State co-operative society if the aggregate value of the paid-up capital and provision of reserves along with liquidity, exposure and other prudential norms specified in bye-laws of the proposed multi-State co-operative society in the business of thrift and credit are in accordance with such guidelines as may be prescribed:

Provided that the multi-State co-operative societies registered before the commencement of the Multi-State Co-operative Societies (Amendment) Act, 2023 shall meet such norms within a period of five years from the date of commencement of the said Act:

Provided further that if the liquidity, exposure, prudential and other parameters of the multi-State credit society do not meet such norms within the period mentioned above, the Central Registrar shall have powers to issue such directions as it deems appropriate to such society to take relevant action:

Provided also that in the case of multi-State co-operative bank, the aggregate value of the paid-up capital and provision of reserves along with liquidity norms provided in the bye-laws shall be such as may be laid down by the Reserve Bank from time to time.

(*3*) The application for registration shall be disposed of by the Central Registrar within a period of three months from the date of receipt of such application by him:

Provided that the Central Registrar may, for rectification of mistakes, if any, in the application, extend the period of three months with such further period, for reasons to be recorded in writing, not exceeding two months on the request of the applicant.

(*4*) Where the Central Registrar refuses to register a multi-State co-operative society, he shall communicate the order of such refusal stating therein the reasons for such refusal, to the applicant within the period specified in sub-section (*3*):

Provided that no order of refusal shall be made, unless the applicant has been given an opportunity of being heard:

Provided further that if the application for registration is not disposed of within the period specified in sub-section (*3*) or the Central Registrar fails to communicate the order of refusal within the said period, the application shall be deemed to have been accepted for registration and the Central Registrar shall issue the registration certificate in accordance with the provisions of this Act and the rules made thereunder.".

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4. In section 10 of the principal Act, in sub-section (*2*), in clause (*a*), for the word "address", the words and brackets "address, including e-mail address" shall be substituted. Amendment of section 10.

5. In section 14 of the principal Act,— Amendment of section 14.

(*i*) for the marginal heading "Change of address", the marginal heading "Address" shall be substituted;

(*ii*) for the word "address", the words "address, including e-mail address," shall be substituted.

6. In section 17 of the principal Act, after sub-section (*9*), the following sub-section shall be inserted, namely:— Amendment of section 17.

"(*10*) Any co-operative society may, by a resolution passed by majority of not less than two-thirds of the members present and voting at a general meeting of such society, decide to merge into an existing multi-State co-operative society:

Provided that such resolution shall be subject to the provisions of the respective State Co-operative Societies Act for the time being in force under which such co-operative society is registered.".

7. In section 19 of the principal Act, in the *Explanation*, in clause (*a*),— Amendment of section 19.

(*i*) in sub-clause (*ii*), the word "or" occurring at the end shall be omitted;

(*ii*) sub-clause (*iii*) shall be omitted.

8. In section 22 of the principal Act, in sub-section (*5*), for clause (*c*), the following clause shall be substituted, namely:— Amendment of section 22.

"(*c*) the co-operative society shall be deemed to have been de-registered under the law relating to such co-operative society for the time being in force in that State, from the date of the certificate as issued by the Central Registrar and forwarded to such co-operative society, along with a copy of the registered amendment under sub-section (*3*).".

9. In section 26 of the principal Act,— Amendment of section 26.

(*i*) in the proviso, the words "be entitled to subscribe the shares of such society or" shall be omitted;

(*ii*) after the proviso, the following provisos shall be inserted, namely:—

"Provided further that nominal or associate member can be issued non-voting shares which may not confer any interest in the management of the multi-State co-operative society including right to vote, to be elected as a director of the board or participate in the general body meetings:

Provided also that in case of multi-State co-operative bank, such shares shall be issued in accordance with the instructions issued by the Reserve Bank from time to time.".

10. In section 28 of the principal Act, for the words "to the society in respect of membership,", the words "of all dues to the multi-State co-operative society including the payment in respect of membership or has availed such minimum level of product or services as specified in the bye-laws," shall be substituted. Amendment of section 28.

11. In section 29 of the principal Act, for clause (*b*), the following clause shall be substituted, namely:— Amendment of section 29.

"(*b*) he fails to use the minimum level of the products or services as specified in the bye-laws for two consecutive years; or".

12. In section 30 of the principal Act, in sub-section (*2*), for the words "one year", the words "three years" shall be substituted. Amendment of section 30.

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Substitution of new section for section 35.

13. For section 35 of the principal Act, the following section shall be substituted, namely:—

Redemption of shares.

"35. (*1*) The shares of the authorities referred to in clauses (*c*) and (*d*) of sub-section (*1*) of section 25, held in multi-State co-operative societies,—

(*a*) shall not be redeemed without the prior approval of such authorities; and

(*b*) may be redeemed in such manner as may be agreed upon between the multi-State co-operative society and such authorities.

(*2*) The shares held in a multi-State co-operative society by any of the authorities referred to in clauses (*e*) to (*g*) of sub-section (*1*) of section 25, shall be redeemed in accordance with the bye-laws of such multi-State co-operative society and in case, where the bye-laws do not contain any provision, in such manner as may be agreed upon between the multi-State co-operative society and such authorities.

(*3*) The redemption of shares referred to in sub-sections (*1*) and (*2*), shall be on the face value of shares.".

Amendment of section 39.

14. In section 39 of the principal Act, in sub-section (*1*), after clause (*o*), the following clause shall be inserted, namely:—

"(*p*) appointment of auditor.".

Amendment of section 41.

15. In section 41 of the principal Act, for sub-section (*3*), the following sub-sections shall be substituted, namely:—

'(*3*) The board shall consist of such number of directors not exceeding twenty-one, as may be specified by the bye-laws, out of which one member shall be Scheduled Caste or Scheduled Tribe and two shall be women in the board of multi-State co-operative society consisting of individuals and having members from such class or category of persons:

Provided that the board may co-opt as members of the board having experience in the field of banking, management, co-operative management and finance or specialisation in any other field relating to the objects and activities undertaken by such multi-State co-operative society:

Provided further that the number of such co-opted members shall not exceed two in addition to twenty-one directors specified in this sub-section.

(*4*) The co-opted directors referred to in sub-section (*3*) shall not have the right to vote in any election of the office bearers or be eligible to be elected as office bearers of the board.

(*5*) The functional directors in a multi-State co-operative society shall also be the members of the board and such directors shall be excluded for the purpose of counting the total number of directors specified in sub-section (*3*).

(*6*) No director of a multi-State co-operative society shall, as a director, be present in the discussion of, or vote on, any contract or arrangement entered into, or to be entered into, by or on behalf of such society, if he or his relative is directly or indirectly concerned or interested in such contract or arrangement and no relative of any of the sitting directors of the multi-State co-operative society shall be recruited as employee including the Chief Executive of that society.

Explanation.—For the purposes of this sub-section, the term, "relative" with reference to an individual, includes—

(*a*) spouse;

(*b*) father (including step father);

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(*c*) mother (including step mother);

(*d*) son (including step son);

(*e*) son's wife;

(*f*) daughter (including step daughter);

(*g*) daughter's husband;

(*h*) father's father;

(*i*) father's mother;

(*j*) mother's father;

(*k*) mother's mother;

(*l*) son's son;

(*m*) son's son's wife;

(*n*) son's daughter;

(*o*) son's daughter's husband;

(*p*) daughter's son;

(*q*) daughter's son's wife;

(*r*) daughter's daughter;

(*s*) daughter's daughter's husband;

(*t*) brother (including step brother);

(*u*) brother's wife;

(*v*) sister (including step sister);

(*w*) sister's husband; and

(*x*) Hindu undivided family.

(*7*) Any director of the board who violates the provision of sub-section (*6*), shall be disqualified for being a member of the board and deemed to have vacated his office from the date of such meeting of the board as is referred to in the said sub-section and such proceedings shall be deemed to be void.'.

Amendment of section 43.

16. In section 43 of the principal Act,—

(*i*) in sub-section (*1*),—

(*a*) in clause (*a*), after the words "to be insolvent", the words "or has been a director of an insolvent company" shall be inserted;

(*b*) in clause (*h*), after the words "under this Act", the words "or under any other Act specified in the Third Schedule" shall be inserted;

(*c*) after clause (*n*), the following clause shall be inserted, namely:—

"(*o*) has been disqualified under sub-section (*7*) of section 41.";

(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) A member who has been a director of the board of any multi-State co-operative society or co-operative bank, where such board has been superseded, shall not be eligible to be elected as director of the board of another multi-State co-operative society or co-operative bank for a period of five years, from the date of such supersession:

Provided that no member shall be declared ineligible under this sub-section unless an opportunity of being heard has been given to such member by the Central Registrar and declaration for ineligibility shall be made only after ascertaining that the member concerned has been responsible by acts of omission or commission leading to such supersession.";

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(*iii*) in sub-section (*2*),—

(*a*) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) to provide information, documents, personnel, funds or expenses or any other assistance as required by the Co-operative Election Authority for conducting elections under this Act in such manner as may be prescribed; or";

(*b*) in clause (*c*), for the words "general meeting" occurring at the end, the words "general meeting; or" shall be substituted;

(*c*) after clause (*c*), the following clauses shall be inserted, namely:—

"(*d*) to make contribution to the co-operative education fund referred to in clause (*b*) of sub-section (*1*) of section 63 or the Co-operative Rehabilitation, Reconstruction and Development Fund established under section 63A; or

(*e*) to file annual return specified in section 120 within the time specified therein; or

(*f*) to get the audit of the society conducted within six months of the close of the financial year to which such account relate:

Provided that before taking any action under this sub-section, he shall be given an opportunity of being heard by the Central Registrar.".

Substitution of new section for section 45.

17. For section 45 of the principal Act, the following sections shall be substituted, namely:—

Establishment of Co-operative Election Authority.

'45. (*1*) The Central Government shall, by notification, establish an Authority to be known as the Co-operative Election Authority which shall consist of a Chairperson, a Vice-Chairperson and Members not exceeding three to be appointed by the Central Government on the recommendation of the Selection Committee consisting of such persons as may be prescribed.

(*2*) The head office of the Authority shall be at such place as may be notified by the Central Government.

(*3*) A person shall not be qualified for appointment as a,—

(*i*) Chairperson of the Authority unless he held the post of Additional Secretary to the Government of India or equivalent rank;

(*ii*) Vice-Chairperson of the Authority unless he held the post of Joint Secretary to the Government of India or equivalent rank; and

(*iii*) Member unless he fulfils such qualification and experience as may be prescribed.

(*4*) The Chairperson, Vice-Chairperson or Member of the Authority shall hold office for a period of three years from the date on which they enter upon their office or until they attain the age of sixty-five years, whichever is earlier and they shall be eligible for re-appointment:

Provided that in case of appointment of a Government servant as a Chairperson, Vice-Chairperson or a Member, he shall be treated as an *ex officio* Member and he shall continue so long as he holds the office by virtue of which he is a Chairperson, Vice-Chairperson or Member.

(*5*) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson, Vice-Chairperson and Members of the Authority, other than the *ex officio* Member, shall be such as may be prescribed.

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Power of Chairperson.

45A. The Chairperson of the Authority shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such other powers and functions as may be prescribed.

Removal and suspension of Chairperson, Vice-Chairperson and Members.

45B. (*1*) The Central Government may, by order, remove from office the Chairperson, Vice-Chairperson or Member of the Authority, other than *ex officio* Member, if the Chairperson, Vice-Chairperson or Member of the Authority, as the case may be,—

(*a*) has been adjudged as an insolvent;

(*b*) has been convicted of an offence which, in the opinion of the Central Government involves moral turpitude;

(*c*) has been physically or mentally incapable of acting as a Chairperson, Vice-Chairperson or Member of the Authority;

(*d*) has acquired such financial or other interests, as is likely to affect prejudicially his function as a Chairperson, Vice-Chairperson or Member of the Authority;

(*e*) has so abused his position, as to render his continuance in office prejudicial to the public interest; or

(*f*) has engaged at any time during his term of office in any other employment.

(*2*) The Chairperson, Vice-Chairperson or Member of the Authority shall not be removed from his office except by an order of the Central Government on the ground of his proved misbehaviour or incapacity after the Central Government has, on an inquiry, held in accordance with the procedure prescribed in this behalf by it, come to the conclusion that the Chairperson, Vice-Chairperson or Member of the Authority ought on any such ground to be removed.

(*3*) The Central Government may suspend the Chairperson, Vice-Chairperson or Member of the Authority in respect of whom an inquiry under sub-section (*2*) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

Disclosure and declaration of interest.

45C. (*1*) Before appointing any person as Chairperson, Vice-Chairperson or Member, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson, Vice-Chairperson or Member.

(*2*) The Chairperson, Vice-Chairperson or Members shall immediately after entering office and every year thereafter, make a declaration as to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any co-operative society.

(*3*) The declaration so made under sub-section (*2*) shall be placed in the public domain by the Authority.

Resignation of Members.

45D. The Chairperson, Vice-Chairperson or Members, other than *ex officio* Members, may, by notice in writing of not less than thirty days under their hand addressed to the Central Government, resign their office and on such resignation being accepted by that Government, shall be deemed to have vacated their office:

Provided that the Chairperson, Vice-Chairperson or Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

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Filling of casual vacancy.

45E. If a casual vacancy occurs in the office of the Chairperson, Vice-Chairperson or Member of the Authority, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of ninety days by making a fresh appointment in accordance with the provisions of section 45 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, Vice-Chairperson or Member of the Authority, as the case may be, in whose place he is so appointed.

Restriction of re-employment.

45F. The Chairperson, Vice-Chairperson and Member of the Authority, on ceasing to hold office shall not, for a period of two years, accept any employment (including as consultant or otherwise) in any co-operative society:

Provided that nothing contained in this section shall apply to any employment under the Central Government or in any State Government or any Corporation established by or under any Central or State Act or a Government Company as defined under clause (*45*) of section 2 of the Companies Act, 2013. 18 of 2013.

Vacancies, etc., not to invalidate proceedings of Authority.

45G. No act or proceeding of the Authority shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of the Authority;

(*b*) any defect in the appointment of a person as Chairperson or Member of the Authority; or

(*c*) any irregularity in the procedure of the Authority not affecting the merits of the case.

Meetings of Authority.

45H. (*1*) The Authority shall meet at such places and times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings), as may be prescribed.

(*2*) The Chairperson of the Authority shall preside at the meeting of the Authority and if for any reason the Chairperson of the Authority is unable to attend a meeting of the Authority, the Vice-Chairperson of the Authority shall preside at the meeting.

(*3*) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and, in the event of an equality of votes, the Chairperson or the Vice-Chairperson of the Authority presiding shall have the right to exercise a second or casting vote.

(*4*) Save as otherwise provided in sub-section (*1*), every Member shall have one vote.

Functions of Authority.

45-I. The Authority shall discharge the following functions, namely:—

(*i*) conduct the elections of the multi-State co-operative society;

(*ii*) supervise, direct and control the matters relating to preparation of electoral rolls; and

(*iii*) such other functions as may be prescribed.

Elections of members of board.

45J. (*1*) No person shall be eligible to be elected as a member of the board or office bearer of a multi-State co-operative society, unless he is an active member of the general body of that society.

Explanation.—For the purposes of this sub-section, the term "active member" means any member—

(*i*) availing minimum level of products or services of the society; or

(*ii*) attending not less than three consecutive general meetings,

as specified in section 29.

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(*2*) A member of the board or office bearer of a multi-State co-operative society shall cease to be such member or office bearer, if he ceases to be a member of general body of that society.

(*3*) The election of members of board shall be held by secret ballot in such manner as may be prescribed.

(*4*) The election of the members of the board shall be held in the general meeting of the members of the multi-State co-operative society and the elected members of the board shall, if the bye-laws of such society permit, be eligible for re-election.

(*5*) The term of office of elected members of the board and its office bearers shall be five years from the date of election and the term of office bearers shall be co-terminus with the term of the board:

Provided that the board may fill casual vacancies up to one-third of number of elected directors on the board by nomination out of the same class of members in respect of which the casual vacancy has arisen, if the term of office of the board is less than half of its original term:

Provided further that in case the number of such casual vacancies in the same term of the board exceeds one-third of number of elected directors, such vacancies shall be filled by elections.

(*6*) The expenses for holding elections by the Authority shall be borne by the multi-State co-operative society in such manner as may be prescribed.

(*7*) The Central Government may make rules to provide for the powers and the procedure to be followed by the Authority for conduct of election of members of the board.

(*8*) The Chairperson and the Chief Executive of the multi-State co-operative society shall inform the Authority, six months before the expiry of the term of the existing board, to conduct the elections within time.

(*9*) The multi-State co-operative society in respect of which the election is being held shall provide such infrastructure, personnel, information, documents or other assistance to the Authority as it may require.

Appointment of Returning Officer and other officers.

45K. (*1*) The Authority may appoint a Returning Officer to conduct the election of the multi-State co-operative societies and discharge such functions, as directed by the Authority, in such manner as may be prescribed.

(*2*) The Central Government shall provide such staff and officers to the Authority as may be necessary for the efficient discharge of functions by the Authority under the Act.

(*3*) The Authority may appoint,—

(*a*) such observers as it may consider necessary to supervise the elections and discharge such other functions as may be prescribed; and

(*b*) such number of Assistant Returning Officers as it may consider necessary to assist the Returning Officer.

Power to issue directions.

45L. The Authority may, by general or special order, issue such directions to the board, its members, Chief Executive and other staff of the multi-State co-operative society as may be necessary for the conduct of free and fair elections and the board, its members, Chief Executive and staff of the society shall comply with such directions.'.

Amendment of section 49.

18. In section 49 of the principal Act, in sub-section (*2*),—

(*i*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) to elect the Chairperson and Vice-Chairperson or President and Vice-President of the multi-State co-operative society from amongst the elected members of the board in accordance with the directions of the Authority:

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Provided that the certificate of election shall be issued by the Chief Executive of the multi-State co-operative society after conclusion of resolution by the board;";

(*ii*) in clause (*e*), the following proviso shall be inserted, namely:—

"Provided that the recruitment of such employees shall be subject to such procedure as may be prescribed.".

Amendment of section 50.

19. In section 50 of the principal Act,—

(*a*) in sub-section (*1*), the following provisos shall be inserted, namely:—

"Provided that where such Chairperson or President fails to direct the Chief Executive to convene the meeting of the board within the quarter, such Chief Executive shall convene the meeting on the basis of requisition of the Vice-Chairperson or Vice-President or any other Member of the board:

Provided further that notwithstanding anything contained in the first proviso, the Chief Executive may also convene the meeting on the basis of requisition from at least fifty per cent. of Members of the board;";

(*b*) for sub-section (*3*), the following sub-sections shall be substituted, namely:—

"(*3*) The Chairperson or President, if for any reason, is unable to attend a meeting of the board, the Vice-Chairperson or Vice-President and in the absence of both, any other Member of the board chosen by the Members of the board present from amongst themselves at the meeting, shall preside over the meeting.

(*4*) The quorum for a meeting of the board of directors of a multi-State co-operative society shall be one-third of its total number of elected directors.".

Amendment of section 51.

20. In section 51 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

''(*1A*) No multi-State co-operative society shall appoint or continue the employment of any person as the Chief Executive who—

(*a*) is below the age of twenty-one years or has attained the age of seventy years:

Provided that any person above the age of seventy years may be appointed by a special resolution passed by three-fourth of the board members, in which case the explanatory statement annexed to the notice for such motion shall indicate the justification for appointing such person;

(*b*) is an undischarged insolvent or has any time been adjudged as an insolvent;

(*c*) has at any time been convicted by a court of an offence and sentenced for a period of more than six months; or

(*d*) does not meet the criteria for 'fit and proper', as determined by the Central Registrar in case of multi-State credit societies or in case of non-credit multi-State societies, does not meet the criteria as Central Government may prescribe in terms of education qualifications and relevant experience.''.

Amendment of section 52.

21. In section 52 of the principal Act, in clause (*j*), for the words "thirty days", the words "forty-five days" shall be substituted.

Amendment of section 53.

22. In section 53 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The board may constitute an Executive Committee, and such other committees or sub-committees as may be specified in the bye-laws of the multi-State co-operative society:

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Provided that the board shall constitute—

(*a*) an Audit and Ethics Committee;

(*b*) a Committee on prevention of sexual harassment at work place.".

Amendment of section 63.

23. In section 63 of the principal Act, in sub-section (*1*), for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) credit annually one per cent. of net profit to co-operative education fund to be maintained by the Central Government in such manner as may be prescribed and the proceeds from such fund shall be used for co-operative education and training through the National Co-operative Union of India and any other agency in such manner as may be determined by the Central Government;".

Insertion of new sections 63A, 63B and 63C.

24. After section 63 of the principal Act, the following sections shall be inserted, namely:—

Establishment of Co-operative Rehabilitation, Reconstruction and Development Fund.

'63A. (*1*) The Central Government shall establish a Fund, to be called the Co-operative Rehabilitation, Reconstruction and Development Fund for revival of sick multi-State co-operative societies as referred to in section 63B and for development purposes in such manner as may be determined by it and there shall be credited to such Fund annually by multi-State co-operative societies which are in profit for the preceding three financial years one crore rupees or one per cent. of the net profits of such multi-State co-operative society, whichever is less.

(*2*) The Central Government shall, by notification, constitute a Committee, consisting of such members as it may deem fit, to administer the Fund, and maintain separate accounts and other relevant records in relation to the Fund in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*3*) The Committee shall spend the money out of the Fund for carrying out the objects for which such Fund has been established.

Rehabilitation and reconstruction of sick societies.

63B. (*1*) If, at any time, the Central Registrar, is of the opinion that a multi-State co-operative society has become sick, he may, by an order, declare such society as sick co-operative society.

(*2*) Where a multi-State co-operative society is declared as a sick co-operative society under sub-section (*1*), the Central Government or any person or agency authorised by it, may prepare a scheme for rehabilitation and reconstruction of the society and hand it over to the society for approval of the general body.

(*3*) The Central Government may, on the recommendation of the general body and to give effect to the scheme for rehabilitation and reconstruction referred to in sub-section (*2*), re-organise the board of such society with such persons, having experience in the field of co-operation, management, finance, accountancy and any other area relating to such societies as may be recommended by the general body:

Provided that in respect of a sick multi-State co-operative bank, any scheme for rehabilitation or reconstruction shall be done with the prior approval of the Reserve Bank.

Explanation.—For the purposes of this section, the expression "sick co-operative society" means a multi-State co-operative society being a society registered under the provisions of this Act which has at the end of any financial year accumulated losses equal to or exceeding total of its paid-up capital, free reserves and surpluses and has also suffered cash losses in such financial year and the financial year immediately preceding such financial year.

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Financial assistance to multi-State co-operative societies for development.

63C. (*1*) The Central Government may, on an application made by a multi-State co-operative society which has contributed to the Fund for continuous five preceding financial years, grant such financial assistance as it may consider appropriate to the society out of the Fund for infrastructural requirement:

Provided that at least fifty per cent. of the total requirement shall be borne by the multi-State co-operative society and the financial assistance from the Fund shall not exceed more than the fifty per cent. of such requirement.

(*2*) The Committee constituted under sub-section (*2*) of section 63A shall examine and recommend to the Central Government for providing the financial assistance to the multi-State co-operative society to such extent and on such terms and conditions as it may consider necessary.'.

Amendment of section 64.

25. In section 64 of the principal Act,—

(*i*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) in any of the securities issued by the Central Government, State Government, Government Corporations, Government Companies, Authorities, Public Sector Undertakings or any other securities ensured by Government guarantees;";

(*ii*) in clause (*d*), after the words "any other institution", the words "in the same line of business as the multi-State co-operative society" shall be inserted;

(*iii*) for clauses (*e*) and (*f*), the following clauses shall be substituted, namely:—

'(*e*) with any other scheduled or nationalised bank.

Explanation.—For the purposes of this clause, the expression,—

(*i*) "scheduled bank" shall have the same meaning as assigned to it in clause (*e*) of section 2 of the Reserve Bank of India Act, 1934; and 2 of 1934.

(*ii*) "nationalised bank" means a corresponding new bank constituted under sub-section (*1*) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980; or 5 of 1970. 40 of 1980.

(*f*) in such other manner as may be determined by the Central Government.'.

Amendment of section 67.

26. In section 67 of the principal Act, in sub-section (*1*), in the first proviso, for the words "ten times", the words "such multiples as may be determined by the Central Government" shall be substituted.

Amendment of section 70.

27. In section 70 of the principal Act,—

(*a*) in sub-section (*2*), for the proviso, the following provisos shall be substituted, namely:—

"Provided that such auditors or auditing firm shall be appointed from a panel approved by the Central Registrar:

Provided further that in case of multi-State co-operative banks, multi-State credit societies with deposits of above five hundred crore rupees and multi-State non-credit societies with turnover of above five hundred crore rupees, the auditor shall be appointed from a panel of auditors approved for audit of such societies by the Central Registrar.";

(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*3A*) An auditor appointed under sub-section (*2*) shall submit the audit of accounts report to the multi-State co-operative society, within

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six months from the date of closing of the financial year, to which such accounts relate.";

(*c*) in sub-section (*7*), in clause (*a*), for the proviso, the following proviso shall be substituted, namely:—

"Provided that where such vacancy is caused by the resignation or death of an auditor, the vacancy shall be filled by the board from the panel of auditors from which such auditor was appointed.";

(*d*) after sub-section (*9*) and the *Explanation* thereunder, the following sub-section shall be inserted, namely:—

"(*10*) The audit report of the accounts of the national co-operative societies shall be laid before each House of Parliament.".

Insertion of new section 70A.

28. After section 70 of the principal Act, the following section shall be inserted, namely:—

Concurrent Audit.

"70A. In case of multi-State co-operative societies,—

(*i*) having an annual turnover more than the amount as determined by the Central Government; or

(*ii*) having deposit of more than the amount as determined by the Central Government,

the concurrent audit shall be carried out by an auditor appointed from a panel of auditors approved by the Central Registrar.".

Amendment of section 73.

29. In section 73 of the principal Act, after sub-section (*5*), the following sub-section shall be inserted, namely:—

"(*6*) the multi-State co-operative society or class of multi-State co-operative societies, as the case may be, shall adopt such standards of auditing and accounting as may be determined by the Central Government:

Provided that until such standards of auditing and accounting are specified, the auditing and accounting standards specified by the Institute of Chartered Accountants of India constituted by sub-section (*1*) of section 3 of the Chartered Accountants Act, 1949 shall be deemed to be the standards of auditing and accounting:

38 of 1949.

Provided further that the multi-State co-operative banks shall adopt the standards of accounting and auditing, if any, laid down by the Reserve Bank.".

Amendment of section 78.

30. In section 78 of the principal Act, after sub-section (*1*), the following sub-sections shall be inserted, namely:—

"(*1A*) If the Central Registrar is satisfied on the basis of information available with him or furnished to him by a Government agency, that the business of a multi-State co-operative society is being carried on for a fraudulent or unlawful purpose, he may, after informing the multi-State co-operative society of the allegations made against it, by a written order, call on the multi-State co-operative society to furnish in writing any information or explanation, with the endorsement of the board of the society, on matters contained in such order within the time specified therein:

Provided that if the Central Registrar is not satisfied with the explanation of the society, he shall either himself or through an office or agency authorised by him, conduct inquiry into the constitution, working and financial condition of the society.

(*1B*) Notwithstanding anything contained in this Act, the Central Registrar shall, either *suo motu* or through an officer or agency authorised by him, conduct inquiry into the constitution, working and financial condition of any multi-State co-operative society, once in such period as may be determined by the Central Government.".

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Insertion of new Chapter IXA.

31. After Chapter IX of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IXA

REDRESSAL OF COMPLAINTS

Co-operative Ombudsman.

85A. (*1*) The Central Government shall appoint, one or more Co-operative Ombudsman with territorial jurisdiction for inquiring into the complaints made by any member of the multi-State co-operative societies regarding their deposits, equitable benefits of society's functioning or any other issue affecting the individual rights of the concerned member, in such manner, as may be prescribed.

(*2*) The Co-operative Ombudsman shall, on receipt of a complaint, complete the process of inquiry and adjudicate within a period of three months from the date of receipt of the complaint and may issue necessary directions to the society during the course of inquiry and the society shall be bound to comply with the same within a period of one month from the date of issuance of such directions.

(*3*) The multi-State co-operative society aggrieved by any directions of the Ombudsman may file an appeal in such manner as may be prescribed, within a period of one month before the Central Registrar who shall decide the appeal within a period of forty-five days and the decision of the Central Registrar shall be final and binding:

Provided that the Central Registrar may entertain the appeal after the expiry of said period of one month, if he is satisfied that the society was prevented by sufficient cause from preferring the appeal in time.

(*4*) The Ombudsman shall submit periodic reports to the Central Registrar of Co-operative Societies.

(*5*) The Co-operative Ombudsman while conducting the inquiry under sub-section (*1*), shall exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908,— 5 of 1908.

(*a*) for summoning and enforcing the attendance of persons;

(*b*) examining them on oath;

(*c*) discovery and production of books of account and other documents; and

(*d*) any other matter which may be prescribed.".

Amendment of section 86.

32. In section 86 of the principal Act,—

(*a*) in sub-section (*1*), after the words and figures "under section 79", the words and figures "or section 108" shall be inserted;

(*b*) in sub-section (*2*),—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) where the number of members or the number of societies or the number of persons, as the case may be, has at any time reduced below the number of members or societies or persons as specified in sub-section (*2*) of section 6:

Provided that the multi-State co-operative society shall be given six months' time to restore the number of members or societies or persons to the requisite number;";

(*ii*) in clause (*b*), for the words "co-operative principles.", the words "co-operative principles; or" shall be substituted;

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(*iii*) after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) where the Central Registrar has reasons to believe that the registration was obtained by misrepresentation of facts, submission of false or misleading information, suppression of material facts or fraud thereby compromising the spirit of co-operation.".

(*c*) for sub-section (*5*), the following sub-section shall be substituted, namely:—

"(*5*) Notwithstanding anything contained in this section, in case of winding up of multi-State co-operative banks, the provisions of the Banking Regulation Act, 1949 shall also apply.". 10 of 1949.

(*d*) in sub-section (*6*), the following shall be inserted, namely:—

'Provided that prior to winding up, "no objection" from the institutional lenders, who have outstanding loans from the society, shall be required in writing.

Explanation.—For the purposes of this proviso, the expression "institutional lenders" includes banks, savings and loan association, trust company, insurance company, real estate investment trust, pension fund and the like.'.

33. In section 94 of the principal Act, in the opening paragraph, after the words and figures "section 83 or", the words and figures "section 84 or" shall be inserted. Amendment of section 94.

34. In section 98 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:— Amendment of section 98.

"(*3*) The Central Registrar shall also have the power to recover the following dues by attaching bank accounts of defaulting multi-State co-operative societies—

(*a*) the co-operative education fund referred to in clause (*b*) of sub-section (*1*) of section 63;

(*b*) the Co-operative Rehabilitation, Reconstruction and Development Fund established under section 63A; and

(*c*) the expenses incurred by the Co-operative Election Authority for conduct of elections.".

35. After section 98 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 98A.

"98A. The Central Registrar may, on an application received from any party, review his decision under clause (*a*) or clause (*b*) or clause (*c*) of sub-section (*1*) of section 94: Review of decision.

Provided that no application for review shall be entertained against the recovery certificate issued by the Central Registrar or by any person authorised by him in writing in this behalf, unless the applicant deposits with the concerned society, fifty per cent. of the amount of the recoverable dues:

Provided further that no application for review shall be entertained, if made after sixty days of the date of receipt of the decision or order:

Provided also that the Central Registrar may entertain any such application made after such period, if the applicant satisfies that he had sufficient cause for not making the application within such period.".

36. In section 103 of the principal Act, in sub-section (*1*), the following provisos shall be inserted, namely:— Amendment of section 103.

"Provided that where all the successor States take necessary steps to divide or reorganise such deemed multi-State co-operative society into State co-operative

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societies in order to confine their objects, services and the members to respective States within a period of three years, such deemed multi-State co-operative society shall cease to be a multi-State co-operative society:

Provided further that the deemed multi-State co-operative society other than those mentioned in the first proviso shall submit an application for registration and obtain the certificate of registration from the Central Registrar.".

Amendment of section 104.

37. In section 104 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "furnishing false information", the words "or failing to file any return or information" shall be inserted;

(*ii*) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

(*iii*) for the words "ten thousand rupees", the words "one lakh rupees" shall be substituted;

(*b*) in sub-section (*2*), for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted;

(*c*) in sub-section (*3*),—

(*i*) after the word and figures "section 89", the words and figures "or to a person required to file return under section 120" shall be inserted;

(*ii*) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

(*iii*) for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted;

(*d*) in sub-section (*4*),—

(*i*) in clause (*h*), after the words "to any person", the words "or receives such gift, promise or gratification" shall be inserted;

(*ii*) in the long line, occurring after sub-clause (*iii*) of clause (*h*), after the words "or with both", the words "and shall also be debarred from contesting elections for a period of three years" shall be inserted;

(*e*) after sub-section (*4*), the following sub-section shall be inserted, namely:—

"(*5*) Where a multi-State co-operative society,—

(*a*) which is required to provide an explanation or make a statement during the course of inspection, inquiry or investigation, destroys, mutilates or falsifies, or conceals or tampers or unauthorisedly removes, or causes the destruction, mutilation or falsification or concealment or tampering or unauthorised removal of, any document relating to the property, assets or affairs of the society or makes or causes to make a false entry in any document concerning the society;

(*b*) makes any investment in contravention of the provision of section 64 or the bye-laws made under this Act;

(*c*) causes unlawful loss to the assets and property of the society; or

(*d*) causes unlawful loss to the depositor,

the board of directors or the responsible officers of the multi-State co-operative society shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to one year or with fine which shall not

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be less than five thousand rupees but may extend to one lakh rupees or with both.

(*6*) Where the board of directors or officers of the multi-State co-operative society receive any unlawful gains while transacting matters related to such society or utilise any assets of the society for personal unlawful gains, such directors or officers concerned shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to one year or with fine which shall not be less than five thousand rupees but may extend to one lakh rupees or with both and the proceeds of such unlawful gains shall be recovered from them and deposited in such manner as may be prescribed.".

Insertion of new section 105A.

38. After section 105 of the principal Act, the following section shall be inserted, namely:—

Provisions of this Act not in derogation of any other law.

"105A. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.".

Substitution of new sections for section 106.

39. For section 106 of the principal Act, the following sections shall be substituted, namely:—

Appointment of Co-operative Information Officer.

"106. (*1*) Every multi-State co-operative society shall appoint a Co-operative Information Officer to provide the information relating to affairs and management of the society to the members of the society and such information shall be confined to the information falling under the disclosure norms specified by the society in its bye-laws.

(*2*) Any member of multi-State co-operative society shall make an application, accompanying such fee as may be prescribed, to get information specified in sub-section (*1*).

(*3*) The Co-operative Information Officer shall, within thirty days from the date of receipt of application, either provide the information or reject the application specifying the reason to do so.

(*4*) Any member of the multi-State co-operative society whose application has been rejected may prefer an appeal to the Co-operative Ombudsman within a period of one month from the date of such rejection and his decision shall be final and binding.

Copy of rules and bye-laws, etc., for inspection.

106A. Every Chief Executive of multi-State co-operative society shall keep a copy of the rules and its bye-laws and also a list of its members, open to inspection free of charge at all reasonable times, at the registered address of the multi-State co-operative society.".

Amendment of section 108.

40. In section 108 of the principal Act, in sub-section (*1*), in clause (*i*), after the words "Central Registrar" the words, "or any person authorised by him in this behalf, not below the rank of Assistant Commissioner or equivalent" shall be inserted.

Amendment of section 109.

41. In section 109 of the principal Act, in clause (*a*), for the words “co-operative year”, the words “financial year” shall be substituted.

Amendment of section 116.

42. In section 116 of the principal Act,—

(*i*) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Power to amend Schedules.";

(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the First Schedule and the Third Schedule

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and thereupon such Schedules shall be deemed to have been amended accordingly:

Provided that in case of the First Schedule, such notification shall be used only for adding to the co-operative principles in the list.";

(*iii*) in sub-section (*2*), for the word, brackets and figure "sub-section (*1*)", the words, brackets, figures and letter "sub-sections (*1*) and (*1A*)" shall be substituted.

Amendment of section 120.

43. In section 120 of the principal Act,—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) annual report of the activities including details of board decisions which were not unanimous;";

(*ii*) for clause (*f*), the following clauses shall be substituted, namely:—

"(*f*) disclosure regarding employees who are relatives of Members of board;

(*g*) declaration of any related party transactions by the board of directors; and

(*h*) any other information required by the Central Registrar in pursuance of any of the provisions of this Act or the rules made thereunder.".

Insertion of new sections 120A and 120B.

44. After section 120 of the principal Act, the following sections shall be inserted, namely:—

Filing of applications, documents, inspections, etc., in electronic form.

"120A. (*1*) Notwithstanding anything to the contrary contained in this Act, and without prejudice to the provisions of the Information Technology Act, 2000, the Central Government may, from such date as may be notified, require that— 21 of 2000.

(*a*) such applications, returns, reports, statement of accounts, or any other particulars or document as may be required to be filed or delivered under this Act or the rules made thereunder, shall be filed in the electronic form and authenticated;

(*b*) such document, notice, any communication or intimation, as may be required to be served or delivered under this Act, shall be served or delivered in the electronic form and authenticated;

(*c*) such applications, returns, reports, statement of accounts, registers, bye-laws or any other particulars or documents and returns filed under this Act or the rules made thereunder shall be maintained by the Central Registrar in the electronic form and registered or authenticated, as the case may be;

(*d*) such inspection of bye-laws, returns, reports, statement of accounts or any other particulars or documents maintained in the electronic form, as is otherwise available for inspection under this Act or the rules made thereunder, may be made by any person through the electronic form; and

(*e*) such fees, charges or other sums payable under this Act or the rules made thereunder shall be paid through the electronic form,

in such manner as may be prescribed.

(*2*) The Central Registrar shall—

(*a*) issue certificate of registration;

(*b*) register the amendment of bye-laws;

(*c*) register change of registered office;

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(*d*) register any document;

(*e*) issue any certificate;

(*f*) issue notice; and

(*g*) receive such communication as may be required to be registered or issued or recorded or received, as the case may be,

under this Act or the rules made thereunder or perform duties or discharge functions or exercise powers under this Act or the rules made thereunder or do any act which is by this Act directed to be performed or discharged or exercised or done by the Central Registrar, in the electronic form in such manner as may be prescribed.

Application of Banking Regulation Act, 1949.

120B. The provisions of this Act shall apply to a multi-State co-operative society in respect of matters relating to incorporation, regulation and winding up:

Provided that in case of a multi-State co-operative society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 shall also apply.".

10 of 1949.

Amendment of section 121.

45. In section 121 of the principal Act, in sub-section (*1*), for the words and figures "the Companies Act, 1956" and "the Monopoly and Restrictive Trade Practices Act, 1969", the words and figures "the Companies Act, 2013" and "the Competition Act, 2002" shall respectively be substituted.

1 of 1956.
54 of 1969.
18 of 2013.
12 of 2003.

Amendment of section 123.

46. In section 123 of the principal Act,—

(*i*) in sub-section (*1*),—

(*a*) for the portion beginning with "or has committed any act" and ending with "the aggregate period does not exceed one year", the following shall be substituted, namely:—

"or has committed any act including fraud, misappropriation and the like which is prejudicial to the interests of the society or its members, or has omitted or failed to comply with any directions given to it under section 122 in public interest or that there is a stalemate in the constitution or functions of the board or the Co-operative Election Authority has failed to conduct elections in accordance with the provisions of this Act, the Central Government may, after giving the board an opportunity to state its objections, if any, and considering the objections, if received, by order in writing, supersede or suspend the board and appoint one or more administrators, who need not be members of the society, to manage the affairs of the society for such period not exceeding six months, as may be specified in the order:";

(*b*) for the proviso, the following proviso shall be substituted, namely:—

"Provided that while taking a decision for supersession or suspension on grounds of failure to conduct election, such action shall only be taken if the Board had not given requisition to hold election to the Co-operative Election Authority within the time limit or not extended necessary assistance as per the provisions of section 45.";

(*ii*) for the *Explanation,* the following *Explanation* shall be substituted, namely:—

'*Explanation*.—For the purposes of section 122 and this section, the expression "specified multi-State co-operative society" means any multi-State co-operative society where there is Government shareholding or loan or financial assistance or any guarantee by the Government.'.

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Amendment of section 124.

47. In section 124 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the guidelines under sub-section (*2*) of section 7;";

(*ii*) after clause (*j*), the following clause shall be inserted, namely:—

"(*ja*) the manner in which the board of a multi-State co-operative society shall provide information, documents, personnel, funds or expenses or any other assistance as sought by the Co-operative Election Authority for conducting elections under clause (*a*) of sub-section (*2*) of section 43;";

(*iii*) for clause (*k*), the following clauses shall be substituted, namely:—

"(*k*) the composition of the Selection Committee for appointment of Chairperson, Vice-Chairperson and Members of the Co-operative Election Authority under sub-section (*1*) of section 45;

(*ka*) the qualification and experience for appointment of Member of the Authority under clause (*iii*) of sub-section (*3*) of section 45;

(*kb*) the salaries and allowances payable to, and other terms and conditions of service of the Chairperson, Vice-Chairperson and Members of the Authority under sub-section (*5*) of section 45;

(*kc*) the other powers and functions of Chairperson under section 45A;

(*kd*) the procedure of inquiry under sub-section (*2*) of section 45B;

(*ke*) time, places and the procedure to be observed by the Authority in regard to transaction of business at its meetings under sub-section (*1*) of section 45H;

(*kf*) other functions of the Authority under clause (*iii*) of section 45-I;

(*kg*) the manner of election of members of board by secret ballot under sub-section (*3*) of section 45J;

(*kh*) the manner of bearing the expenses for holding elections by the Authority under sub-section (*6*) of section 45J;

(*ki*) the manner of discharge of functions by the Returning Officers and observers under sub-section (*1*) and clause (*a*) of sub-section (*3*) of section 45K;

(*kj*) other functions of the observers under clause (*a*) of sub-section (*3*) of section 45K;";

(*iv*) after clause (*m*), the following clause shall be inserted, namely:—

"(*ma*) the procedure for recruitment of employees under proviso to clause (*e*) of sub-section (*2*) of section 49;";

(*v*) clause (*o*) shall be omitted;

(*vi*) after clause (*q*), the following clause shall be inserted, namely:—

"(*qa*) the manner of maintenance of fund under clause (*b*) of sub-section (*1*) of section 63;";

(*vii*) after clause (*s*), the following clauses shall be inserted, namely:—

"(*sa*) the manner of appointment of Co-operative Ombudsman and submission of complaints to such Ombudsman under sub-section (*1*) of section 85A;

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(*sb*) the manner of filing an appeal by society against directions of Ombudsman under sub-section (*3*) of section 85A;

(*sc*) other matters under clause (*d*) of sub-section (*5*) of section 85A;";

(*viii*) after clause (*w*), the following clauses shall be inserted, namely:—

"(*wa*) the manner of recovery and deposit of proceeds of unlawful gains under sub-section (*6*) of section 104;

(*wb*) the manner to make an application with such fee for the purpose of getting information under sub-section (*2*) of section 106;";

(*ix*) after clause (*x*), the following clauses shall be inserted, namely:—

"(*xa*) the manner of powers being exercised by the Central Government in respect of matters relating to filing of applications, documents, inspections and the like in electronic form under sub-section (*1*) of section 120A;

(*xb*) the manner of discharging the functions or exercising powers with respect to matters mentioned therein by the Central Registrar in electronic form under sub-section (*2*) of section 120A;";

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) Every rule made under this section and any notification issued under section 116 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rules and any notification issued under section 116 should not be made, the rule and any notification issued under section 116 shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule and any notification issued under section 116.".

Amendment of section 125.

48. In section 125 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Notwithstanding anything contained in sub-section (*1*), if any difficulty arises in giving effect to the provisions of this Act as amended by the Multi-State Co-operative Societies (Amendment) Act, 2023, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of the Multi-State Co-operative Societies (Amendment) Act, 2023.".

Insertion of Third Schedule.

49. After the Second Schedule to the principal Act, the following Schedule shall be inserted, namely:—

"THE THIRD SCHEDULE

[*See* clause (*h*) of sub-section (*1*) of section 43]

Sl. No.	Name of the Act	Act Number
1.	The Indian Stamp Act, 1899	2 of 1899.
2.	The Reserve Bank of India Act, 1934	2 of 1934.
3.	The Central Excise Act, 1944	1 of 1944.

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Sl. No.	Name of the Act	Act Number
4.	The Industries (Development and Regulation) Act, 1951	65 of 1951.
5.	The Prevention of Food Adulteration Act, 1954	37 of 1954.
6.	The Essential Commodities Act, 1955	10 of 1955.
7.	The Securities Contracts (Regulation) Act, 1956	42 of 1956.
8.	The Wealth-Tax Act,1957	27 of 1957.
9.	The Customs Act, 1962	52 of 1962.
10.	The Prize Chits and Money Circulation Schemes (Banning) Act, 1978	43 of 1978.
11.	The Sick Industrial Companies (Special Provisions) Act, 1985	1 of 1986.
12.	The Securities and Exchange Board of India Act, 1992	15 of 1992.
13.	The Foreign Trade (Development and Regulation) Act, 1992	22 of 1992.
14.	The Foreign Exchange Management Act, 1999	42 of 1999.
15.	The Competition Act, 2002	12 of 2003.
16.	The Prevention of Money-Laundering Act, 2002	15 of 2003.
17.	The Companies Act, 2013	18 of 2013.".

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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